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THE HISTORY OF ENGLAND.

BOOK VIII. SECT. II.

8. HENRY III. firnamed of WINCHESTER.

1216. Henry III. Principal events of this reign.

WE are going to enter upon a long reign embaraſſed with divers, and, for the moſt part, unconnected events. Were I to dwell upon every the leaſt remarkable incident during the long adminiſtration of Henry III, I ſhould rather tire the reader, than give him any clear knowledge of the affairs of thoſe days. I ſhall confine myſelf therefore to certain principal heads, which are, as it were, the ſubſtance of what happened in this reign. Firſt, I ſhall endeavour to repreſent the ſtate of the kingdom, the particular genius of the king, and the character and pernicious deſigns of his miniſters. Secondly, will be ſhewn the inſatiable avarice and tyranny of the court of Rome. Thirdly, the barons league againſt the arbitrary and tyrannical power intended to be introduced into the kingdom. And laſtly, the barons abuſe of the authority they uſurped on that pre-

 tence,

tence, and the unfortunate events which rendered all their proceedings ineffectual. These are the chief heads we are going to run over, as briefly as the great length of this reign will permit, and to which almost all that shall be said will refer.

The state of the kingdom.

King John left his crown to his eldest son. But the young prince, who was but in the tenth year of his age, was very uncapable of curing the disorders of so distempered a state. A few lords, who had firmly adhered to the service of his father, and an army of foreigners, whom John himself never ventured to trust, were very unlikely instruments to restore the royal family. There was the less room to hope for so favorable a turn, as almost all the peers of the realm, supported with the forces of France, appeared strictly united against the family of the late king. Besides, Lewis's great progress seemed to promise him the reduction of the whole kingdom. In spite of these seemingly insurmountable difficulties, young Henry found in the wise and brave earl of Pembroke [a], a loyal subject, and capable withal of projecting and executing the greatest designs. Without being disheartened in this extremity, the generous earl undertook to raise the hopes of the honest English, and drive the foreigners out of the kingdom.

The earl of Pembroke supports Henry. M. Paris.

His speech to the lords of the king's party. Hemingford. Lib. 3. p. 362.

As soon as John resigned his last breath, the earl of Pembroke assembled the lords, who had remained firm to that prince, and presenting young Henry to them, made a speech, beginning with these words: "Behold our king." Then (after a short pause) he represented to them, "Though the conduct "of the late king gave the confederate barons a plausible pre- "tence to complain, it was not reasonable to take the crown "from a family that had worn it so long, much less to give it "to a foreigner. As king John's faults were personal, it "would be unjust to inflict a punishment on his son, whose "tender years rendered him blameless." He said farther, "The remedy used by the confederate barons was worse than "the disease, since it tended to reduce the kingdom under a "dishonourable servitude. And therefore, in the present "posture of affairs, nothing was able to deliver them from "the impending yoke, but their firm union, under a prince "who was undeniably the lawful heir to the crown." This speech met with applause from the whole assembly, who cried out with one voice, "We will have Henry for our king [b]." Whereupon though the earl of Chester [c] made some opposition

[a] William Mareschall.

[b] Fiat rex, fiat rex. Hemingford.

[c] Hemingford says, it was the earl of Gloucester. But that earldom was then in the crown. Tyrrel.

(from

(from which however he afterwards desisted) a day was appointed for the coronation. The ceremony was performed with little pomp, by the bishops of Bath and Winchester, in the presence of an inconsiderable number of lords, with Gallo the legate, who espoused young Henry's interest to the utmost of his power [d]. King John's crown being lost in the well-stream, they were forced to use a plain circle or chaplet of gold, because they had neither the time nor means to make a better. Before the crown was set on his head, the usual oath was administred to him. Then the legate, who had ever his master's interest in view, caused the young prince to do homage to the holy see. It was not then proper to oppose this homage, for fear of losing the pope's assistance and increasing the difficulties Henry was probably to struggle with in the beginning of his reign.

Henry III. crowned. M. Paris. An. Wave.

T. Wikes.

M. Paris. p. 289.

These ceremonies being over, the assembly of the lords, who represented at that time the whole nation, chose the earl of Pembroke guardian of the king, and declared him protector, that is, regent of the kingdom. They could not chuse to that high office, a person of greater abilities, of more zeal for the public good, or a faster friend to the royal family. From the beginning of king John's reign, for whom he partly procured the crown by his diligence and address, he had always remained attached to the service of that prince, without ever deserting him in his greatest distress. This constant loyalty gaining him his master's favour and confidence, he was always trusted with his secrets, and therefore was better qualified than any other to be at the helm in so tempestuous a season. He perfectly knew the cause of the troubles, and the interests and intrigues of those that excited them. He was not ignorant that most of the barons were extremely dissatisfied with the prince they had sent for, and upon that he chiefly built his hopes. The private submissions of forty of them to the king gave him room to believe that dissentions were rising among them, and that their example would quickly be followed by the rest. Indeed nothing but despair of pardon prevented the majority from deserting prince Lewis. And therefore the regent believed he had reason to hope, that a de-

The earl of Pembroke made regent. M. Paris. How qualified for that office.

[d] The coronation was solemnized at Gloucester, on October 28. in the presence of the pope's legate, Henry archbishop of Dublin, Peter bishop of Winchester, Jocelin of Bath, Silvester of Worcester, Ranulph earl of Chester, William Marshall earl of Pembroke, William de Ferrers earl of Derby, John Marshall, Philip de Albiney, William Briwere, Savaric de Malolacu, with the abbots and priors. The archbishop of Canterbury, (says Walter of Coventry) was then at Rome, soliciting the taking off his suspension. M. Paris.

claration of the new king's readineſs to pardon would ſoon diſſolve the confederacy. Beſides, there was no likelihood that after the death of king John, ſo many lords would continue in obedience to a foreign prince, who too gave them every day freſh occaſions of complaint. In this expectation the earl of Pembroke ſent letters to all the barons and corporations in the kingdom [e], to inform them of Henry's acceſſion to the crown, promiſing withal great rewards to ſuch as would return to their duty [f]. Theſe aſſurances and the regent's known probity, moving many of the confederate barons, they began to think ſeriouſly of making their peace with their lawful ſovereign. The excommunication of prince Lewis, publiſhed every Sunday, furniſhed them with a further and no leſs powerful motive to change. It was not poſſible but among all theſe lords, there were tender conſciences that were concerned at following the banners of an excommunicated prince. Much leſs could they bear to ſee themſelves involved in the ſame ſentence, what endeavours ſoever were uſed to remove their ſcruples. So Lewis's affairs began to decline at the very time they ſeemed to be moſt proſperous. The raiſing the ſiege of Dover contributed likewiſe very much to diſconcert them. Prince Lewis frequently tried to corrupt Hubert de Burgh, governor of that place; but always found in that brave man a loyalty proof againſt all temptations. Force had been ſtill leſs available; for he was repulſed with loſs in all his aſſaults. The death of king John happening during this ſiege, Lewis hoped the governor would become more tractable. He ordered him to be ſummoned again to ſurrender; repreſenting to him, that ſince, by John's death, he was releaſed from his oath he might without ſcruple ſwear fealty to a

He notifies to the barons the coronation of Henry. M. Paris.

Several think of deſerting Lewis. M. Paris.

Lewis tries in vain to bribe the governor of Dover. M. Paris. p. 289.

[e] As alſo to all the Vicecomites or ſheriffs, wardens of caſtles, &c. M. Paris.

[f] There is a letter ſtill extant to Hugh de Lacy a baron of note, containing a ſafe-conduct to come and treat with the king, with a promiſe of the reſtitution of his eſtate and privileges. The earl of Pembroke's name is affixed alone to the letter, which is dated November 18. in the firſt year of this reign. The letter runs thus: "Rex Hugoni de Lacy ſalutem. Mandamus vobis quod ſecure & ſine dilatione veniatis ad fidelitatem & ſervitium noſtrum, & concedimus vobis ſalvum conductum noſtrum in veniendo ad nos & nobiſcum loquendo & inde ſalvo revertendo. Et vos ſcire volumus quod ſi ad nos venire volueritis jura veſtra & liberetur veſtras per conſilium dilectorum fidelium noſtrorum Ranulphi comitis Ceſtrie, Willielmi comitis de Ferrariis, & aliorum fidelium noſtrorum integre vobis reſtituemus licet vero bone memorie Johannes pater noſtre in aliquo erga vos deliquerit ipſius delicti debemus eſſe immunes, nec delictum ſuum aliquotenus nobis debet imputari. Et in hujus, &c. Quia ſigillum, &c. vobis inde mittimus. Teſte comite decimo octavo die Novembris anno regni noſtri primo." Pat. 1. Hen. III. M. 16.

prince

prince whom his countrymen had owned for their ſovereign, and who would be glad to ſhew him marks of his eſteem. He anſwered, the late king having left a ſucceſſor to whom his allegiance was due, he would maintain his cauſe to the laſt drop of his blood. Adding, he could never believe, the eſteem of any brave prince could be gained by a notorious baſeneſs. Promiſes proving ineffectual, Lewis threatned Hubert to put his brother, who was in his power, to death. This threat made no impreſſion on the faithful governor, who continued to defend with the ſame reſolution the important place committed to his truſt. Lewis finding he did but loſe time before Dover, raiſed the ſiege and inveſted the caſtle of Hertford, which made but a faint reſiſtance. The taking of this place gave the Engliſh lords freſh cauſe of complaint. Robert Fitz-Walter, claiming the cuſtody of the caſtle as belonging to him by antient right, had the mortification to be denied and ſee a French governor placed there with troops of the ſame nation. This injuſtice cauſed great murmurings among the Engliſh barons. They were extremely vexed to behold their own inheritances given to foreigners without any regard to their complaints. Their diſcontent was inflamed by the indiſcretion of ſome Frenchmen, who upbraided the Engliſh barons for traytors, declaring it was not ſafe to truſt them with the cuſtody of caſtles. Theſe expreſſions, added to what the viſcount of Melun was reported to ſay, cauſed among the Engliſh, and eſpecially among the nobility, an univerſal diſſatisfaction, which Lewis perceived not as yet, but of which he ſoon felt the effects. Mean while, continuing his progreſs, he became maſter of ſome other places before he returned to London, where he came not till towards the latter end of the year. M. Paris. Lewis diſpleaſes the Engliſh. M. Paris. p. 290.

Whilſt Lewis was improving his advantages, the regent omitted nothing that might ſupport the juſt rights of young Henry. His firſt and as he thought moſt neceſſary precaution in the preſent juncture, was to ſend ſpeedy notice to the pope of the death of king John, and the coronation of his ſon, intreating him to take into his protection the young prince who was ſurrounded with foreign and domeſtic enemies. Innocent took care not to be wanting in what concerned his own intereſt. The preſervation of England, which he conſidered as the patrimony of St. Peter and even gave it that name, was in danger. Wherefore he ſent freſh powers to his legate to renew the excommunication of the prince of France and the confederate barons. Lewis, to whom the legate communicated his new orders, ſolemnly proteſted againſt all the ſhould The pope declares for Henry. M. Paris. p. 292.

be done to his prejudice. Mean time, to prevent the new cenſure from having any effect, he required all the Engliſh lords to renew their homage to him on a day appointed. His proteſtation hindered not the legate from executing the pope's orders. He held a ſynod at Briſtol, where he re-excommunicated Lewis with all the cuſtomary formalities. He thereby furniſhed ſome of the barons with a pretence to refuſe the homage required by Lewis.

A truce between the two parties. Walt. of Cov. M. Paris. p. 292.

Chriſtmaſs approaching, both ſides agreed upon a truce during the holidays. Lewis made uſe of that opportunity to hold a general aſſembly at Oxford, whilſt the regent held another, though much leſs numerous, at Cambridge. The king's party propoſing that the truce ſhould be prolonged, Lewis at firſt refuſed to agree to it. But hearing ſoon after that the pope intended to confirm in full conſiſtory the excommunication denounced by his legate, he conſented to prolong the truce till a month after Eaſter. His deſign was to go to Paris, and conſult the king his father [g].

1217. The truce turns to Henry's advantage. M. Paris. p. 292.

This truce was very advantageous to the earl of Pembroke. He wiſely made uſe of it to reinforce his army with new levies, and to gain by ſecret practices ſome of the confederate barons. On the contrary, it was extremely prejudicial to Lewis, whoſe abſence gave the barons opportunity to free themſelves from his yoke, by returning to the obedience of their lawful ſovereign. Several took that time to treat with the king. Among whom was William Marſhal, eldeſt ſon of the earl of Pembroke, who till then had been one of the moſt zealous partiſans of France [h]. The Cinque-Ports declared likewiſe for Henry, and ſent out a fleet to oppoſe Lewis's return. But though their fleet fought the French and deſtroyed ſeveral of their ſhips, they could not hinder the prince's landing at Sandwich. He was ſo provok'd at this bold attack, that he burnt the town where he landed, as being one of the Cinque-Ports.

Ibid.

Cinque-Ports declare for the king.

Lewis burns Sandwich.

The earl of Perche raiſes the ſiege of Mont-Sorel. M. Paris. p. 293.

Upon the expiration of the truce, the regent ſent the earl of Cheſter to beſiege Mont-Sorel in Leiceſterſhire, where was a French garriſon. The loſs of this place might have proved of great prejudice to Lewis, not ſo much on account of its importance, as becauſe ... ch a juncture it highly concerned

[g] Walter of Coventry ſays, the pope ordered his nuncio in France to hold a ſynod at Melun, and put the kingdom under an interdict, unleſs Philip recalled his ſon out of England. Upon which the king preſently ordered him to come over, and be himſelf in perſon at the ſynod.

[h] At the ſame time came over to the king, William Longſword earl of Saliſbury, with the earls of Arundel and Warren.

him

him to hinder the king's party from appearing in condition to recover themſelves. For this reaſon Lewis thought it neceſſary at any rate to raiſe the ſiege. To do it effectually he put the earl of Perche [i] at the head of twenty thouſand men, with orders to march to the enemy. Upon the approach of this army the earl of Cheſter, who was not ſo ſtrong, raiſed the ſiege and returned to the regent. But the French general was not ſatisfied with this advantage. As he believed the earl of Pembroke unable to withſtand him, he formed the deſign of beſieging Lincoln caſtle, which held out for the king though the city had declared for the barons [k]. In this march, the French troops committed ſuch terrible ravages, that the hiſtorians deſcribe them as an army of devils rather than men. But perhaps things are repreſented worſe than they really were.

1217. He beſieges Lincoln caſtle.

The caſtle of Lincoln was of ſo great importance, that the regent could not reſolve to loſe it, without uſing his utmoſt endeavours to relieve it. Whilſt the French were aſſaulting the caſtle with all poſſible vigor, and the beſieged making as brave a defence, he aſſembled all his forces, with a reſolution to run all hazards to ſave that place. He uſed ſuch expedition that he advanced as far as Newark, within twelve miles of Lincoln, before the beſiegers were determined, whether to expect or to meet him. They had all along hoped to take the caſtle, before he could draw his army together. Surprized at the ſudden approach of the enemy, the French general called a council of war to conſult what was to be done. Some were for meeting the enemy, becauſe if a victory enſued, the caſtle would immediately ſurrender. Others, that by going out of the city, they might uſe their cavalry, in which conſiſted their chiefeſt ſtrength, whereas they would be of no ſervice, if it was reſolved to ſtay within the walls. This advice was the ſafeſt, but others were of a contrary opinion. They affirmed, as the caſtle was reduced to extremities, it was better to keep within the city and continue the ſiege; that it was eaſy to defend the walls, till the caſtle ſurrendered; after which the earl of Pembroke would only think of retreating, or however, might always be fought. This advice prevailing, all things were prepared for the defence of the city, whilſt the ſiege of

The regent marches to its relief. M. Paris. P. 204.

[i] Mareſchal of France, a young man of great courage, whom he had juſt brought over with him. Saher earl of Winton was lord of this caſtle. They marched from London May 1. M. Paris.

[k] Gilbert de Gant had beſieged it a long time in vain, and been vigorouſly repulſed in all his aſſaults. He was made earl of Lincoln by Lewis. M. Paris.

the caſtle was continued. Mean time, the Engliſh army approaching without oppoſition, the regent cauſed a body of choſen troops, commanded by Faulk de Brent, to enter the caſtle at a poſtern gate which opened into the fields. Faulk was no ſooner entered, but purſuant to the meaſures taken with the regent he ſallied out upon the beſiegers, whilſt the king's army ſtormed one of the gates of the city.

The French army defeated at Lincoln. M. Paris. T. Wikes. Hemingford.

The earl of Perche perceiving himſelf thus attacked from two different quarters, exerted his utmoſt in his defence. But his troops not having room to fight, and beſides, being deprived of the aſſiſtance of the horſe, were quickly put in confuſion. On the other ſide, the royal army, encouraged by the preſence of the regent, and the indulgences liberally beſtowed by the legate upon all that ſhould be ſlain in battle, continued in a furious manner to ſtorm the gate. This aſſault was ſo vigorous, that, notwithſtanding the obſtinate reſiſtance of the French, the king's troops at length entered the city, whilſt Faulk de Brent preſſed the enemy on the other ſide. The earl of Perche perceiving all was loſt, reſolved not to ſurvive the ſhame of his defeat. He was ſlain, upbraiding the Engliſh of his party for betraying him by their counſels. After the death of the general, a dreadful ſlaughter was made of the French troops, who almoſt all periſhed on this occaſion. The city of Lincoln, which had all along join'd with the barons, was abandoned to a general plunder, where the ſoldiers found an ineſtimable booty, and therefore called it Lincoln fair [1].

M. Paris.

Lewis raiſes the ſiege of Dover, and retreats to London. He demands ſuccours of his father. M. Paris.

Whilſt the earl of Perche was employed in theſe parts, prince Lewis made a freſh attempt upon Dover caſtle, but meeting with no leſs reſiſtance than before, made no great progreſs in the ſiege. The news of the defeat at Lincoln, made him reſolve to retire to London, and take new meaſures. Upon his arrival, his firſt care was to ſend to his father for ſpeedy ſupplies, without which he let him know there was no likelihood of retrieving his affairs. Philip, willing to keep fair with the pope, pretended, he would not interpoſe any more in his ſon's concerns. He publicly ſent him word to take

[1] One may gueſs at the great riches of the cathedral, which was pillaged, when Geoffrey de Drapinges, the precentor, complained that he had loſt eleven thouſand marks for his own ſhare. M. Paris. p. 297. The perſons of note taken in this battle, which was fought on May 19, were Saer earl of Winchester, Henry de Bourn earl of Hereford, Gilbert de Gant, earl of Lincoln, commanders; and of the other barons, Robert Fitz-Walter, Richard de Munfichet, William de Mumbrey, William de Beauchamp, William Maudut, Oliver de Harcourt, Roger de Creſſi, William de Colville, William de Ros, Robert de Ropeſle, Ralph Cheinduit, &c. M. Paris. p. 296.

care

care of himſelf as he could. However, he ordered it ſo, that Blanch his daughter-in-law, in her own name, quickly got ready a body of troops, with ſhips to tranſport them into England. Had theſe ſuccours ſafely arrived, they might have repaired Lewis's loſs at Lincoln. But his fortune was no better at ſea than at land. The commanders of the fleet of the Cinque-ports, hearing the French troops were to embark at Calais, laid wait for them in their paſſage, and giving them battle, took and ſunk the greateſt part of the fleet [m]. They are defeated at ſea. Hemingford. M. Paris.

Theſe two ſucceſſive loſſes threw Lewis into great ſtraits, which were farther encreaſed by the approach of the Engliſh army. He had ſcarce received news of the defeat of the ſuccours that were coming from France, when he ſaw himſelf beſieged in London, or at leaſt cloſely blocked up. So many misfortunes one after another; the diſcontent of the Engliſh, which now ſhewed itſelf openly, the pope's thunders, which, upon the decline of his affairs, began to inſpire him with terror, made him ſenſible it was time to think of retreating. He determined therefore to ſue to the regent for peace. But, notwithſtanding his ill ſituation, he intimated to him that he would conſent to none but an honorable peace, that ſhould ſcreen his Engliſh adherents from all proſecution. By the way, this prince's generous care of the Engliſh barons, is hardly reconcilable with the reſolution, imputed to him by the viſcount of Melun. The earl of Pembroke immediately granted his demand. He conſidered, the king of France was not ſo drained of men and money, but that he could ſtill powerfully aſſiſt his ſon. On the other hand, he was afraid the barons would become deſperate, if they were denied a pardon, and that too great a ſeverity would involve the kingdom in freſh troubles. In ſhort, he ſaw the uſing his ſucceſs with moderation, would reſtore peace to the kingdom, and put the young king in quiet poſſeſſion of the crown, which was the ſole aim of all his deſires. Theſe conſiderations induced him readily to agree to a treaty of peace upon the following terms: Lewis is blockaded in London. M. Paris. He ſues for peace. The earl of Pembroke conſents to it.

[m] This ſea-engagement was about the twenty fourth of Auguſt. As the Engliſh had but forty, and the French eighty large ſhips, the king's fleet durſt not attack them in the front, but tacking about, and getting to the windward, they bore down upon them and made great ſlaughter of them with their archers; but what contributed moſt to their victory, was their having great quantities of quick-lime in powder, which being caſt into the air, was blown by the wind into the Frenchmens eyes and blinded them. The commanders of the Engliſh fleet were Philip d' Albiny and John Marſhal. The French admiral was one Euſtace, who from a monk turned pirate, and at laſt was made admiral of the French fleet. M. Paris ſays, Richard baſe ſon of king John cut off his head.

That

Conditions of the peace. Act. Pub. tom. 1. p. 221. M. Paris. p. 299.

That all perſons who had taken part with Lewis, ſince the beginning of the war, ſhould be reſtored to all the rights they enjoyed before the troubles.

That the city of London ſhould have her antient privileges.

That all the priſoners taken ſince the firſt arrival of Lewis into England ſhould be releaſed. But as to thoſe that were taken on either ſide before that time, commiſſioners ſhould be appointed, to enquire whether thoſe of his party were engaged with him, at the time of their being made priſoners.

That the ranſoms already paid ſhould not be returned, and that ſuch as were become due ſhould be punctually paid: but that nothing ſhould be demanded of the priſoners whoſe ranſoms were not ſettled.

That all the Engliſh, of what rank and condition ſoever, priſoners or others, who took up arms againſt king John, ſhould ſwear fealty to king Henry.

That the hoſtages given to prince Lewis for the payment of the ranſoms that were become due, ſhould be releaſed immediately upon payment of the money.

That all the places, towns and caſtles, in Lewis's poſſeſſion, ſhould be delivered to the king.

That the king of Scotland ſhould be included in the treaty, upon reſtoring all he had taken during the war, and that the king of England ſhould make the like reſtitution to him.

The ſame thing was ſtipulated in favour of the prince of Wales.

That Lewis ſhould cauſe all the iſlands to be reſtored that were taken in his name.

That he ſhould renounce the homages received from the ſubjects of the king of England.

That whatever was due to him, and of which the time of payment was expired, ſhould be punctually paid him.

That in the firſt article, where Lewis's adherents are mentioned, eccleſiaſticks were not included but with reſpect to the lay-fees they held before the war.

M. Paris. p. 299.

An hiſtorian adds two articles more which are not found in the treaty. Firſt, that Lewis ſhould uſe his utmoſt endeavours to oblige his father to reſtore whatever was taken from king John beyond ſea. Secondly, that in caſe he could not prevail, he himſelf ſhould make this reſtitution whenever he came to the crown. Though theſe two conditions were not inſerted in the treaty itſelf, it is very likely, they were ſtipulated in the ſecret articles, ſince the French hiſtorians do not

Meserai.

ſcruple

ſcruple to own them. Beſides, we ſhall ſee in the ſequel, that when Lewis came to the crown, the court of England called upon him to perform his promiſe, and that St. Lewis his ſon had very great ſcruples on that account.

The treaty being ſigned and afterwards confirmed by the authority of the legate, the king and prince Lewis ſwore to obſerve it, with the uſual formalities. After which, Lewis received abſolution from the legate [o]. Every thing being thus concluded, the prince ſet ſail for France, after borrowing five thouſand marks [p] of the city of London, to pay his debts.

Lewis returns to France.

Immediately after the prince's departure, Henry made his entry into London, where he was received with great pomp and demonſtration of an univerſal ſatisfaction. It was not without reaſon that the people expreſſed ſo great joy, ſince, notwithſtanding the advantages lately gained by the young king, he took a ſolemn oath to maintain the nation in their privileges. Thus, by the prudent management of the regent, the vanquiſhed barons obtained more ſolid advantages than they could have expected from a victory, which would have ſubjected them, and perhaps beyond all redreſs, to a foreign power.

Henry makes his entry into London. Walt. Cov.

Swears to maintain the people in their privileges.

Of all Lewis's party, the eccleſiaſtics were the only perſons that had no cauſe to rejoice at the peace, which left them to the pope's mercy, whom they had offended in the moſt ſenſible part. He bore with impatience the contempt of his cenſures by Lewis and the barons, but the clergy's diſobedience made him ſtill more outrageous. As ſoon as the legate was at liberty to proceed againſt the eccleſiaſtics, purſuant to the laſt article of the treaty, he ordered a ſtrict enquiry to be made throughout the kingdom after thoſe who contemned the interdict. All that were found guilty, were ſuſpended or deprived of their benefices, or conſtrained to repair their fault by large ſums of money [q]. A remarkable inſtance of the wide difference between the eccleſiaſtical and the civil power.

The legate proceeds againſt the eccleſiaſtics that adhered to Lewis. Mat. Paris.

The king of Scotland, who was excommunicated for doing homage to a foreign prince, embraced the offer of being included in the treaty. He came to Northampton, where he was abſolved by the legate, after doing homage to Henry

The king of Scotland does homage to Henry. Ch. Mailros.

[o] The Chronicle of Mailroſs ſays, that prince Lewis walked barefoot and ungirt from his own to the pavilion of the legate, where he and his followers were abſolved.

[p] Mat. Paris ſays it was five thouſand pounds, p. 299.

[q] Hugh, biſhop of Lincoln, paid to the pope's uſe one thouſand marks, and one hundred to the legate; whoſe example being followed by many of the biſhops, and other religious perſons, vaſt ſums of money were raiſed for the pope, who was always ſure to gain, whoever loſt. Mat. Paris.

for

for the fees he held in England. Then he delivered up Carliſle, which he had taken during the troubles.

Honorius III. made pope. Pope Innocent III. dying this year, Honorius III. was promoted to the papal chair.

1218. Diſturbances in England. Mat. Paris. It ſeemed, that after the departure of the French, England would at length enjoy ſome repoſe, to which ſhe had been ſo long a ſtranger. But it was not poſſible that a perfect calm ſhould immediately ſucceed ſo violent a ſtorm. The treaty with Lewis gave birth to new troubles, which threw the regent into great perplexities. The barons[r] that had faithfully ſerved king John, and to whom were given the confiſcated eſtates of the rebels, could not bear the thoughts of reſtoring them to the old proprietors, according to the tenor of the treaty. On the other hand, the eccleſiaſtics loudly complained of being abandoned to the legate's perſecutions, without the leaſt care being taken of their concerns. However, the regent was reſolved at any rate to execute the treaty, believing it to be the only means to root out all diſturbances. Purſuant to this reſolution he marched with a good body of troops, to bring to reaſon ſuch as forcibly with-held divers caſtles and lands from the former owners. Robert de Gaugy was the only one however that ſtood a ſiege of eight days, in the caſtle of Newark, belonging to the biſhop of Lincoln: but at length, finding there was no hopes of aſſiſtance, he ſurrendered the caſtle to the biſhop, upon payment of one hundred pounds ſterling. The reſt that were in the ſame caſe, diſcouraged by his example, made the like compoſitions. The executing the treaty was ſo neceſſary for reſtoring tranquillity to the kingdom, that the regent thought the intereſts of a few private perſons, how faithfully ſoever they had ſerved the king, ought not to be preferred to the general good, which would reſult from the punctual performance of his word. Mean time, to eſtabliſh the young king firmly in the throne, it ſtill remained to ſatisfy the pope, who was not inclined to pardon the eccleſiaſtics that dared to deſpiſe the interdict. In the beginning of a reign, when the fidelity of the ſubjects was yet wavering, and the king a minor, it would have been very imprudent in the earl to exaſperate the court of Rome by maintaining the intereſts of the clergy: on the contrary, it was but too likely that the young king would need the pope's protection. For this reaſon he readily publiſhed, at the inſtance of the legate, a proclamation, commanding all the excom-

The regent ſtands by the legate againſt the clergy.

[r] The chief of them were William earl of Albemarle, Faulk de Brent, Robert de Vieupont, Brian de l'Iſle, Hugh de Bailluel, Philip Marc, Robert de Gaugi, etc. Mat. Paris.

municated

municated eccleſiaſtics that were not abſolved, to depart the kingdom on pain of impriſonment. This ſeverity quickly cauſed them to ſatisfy the legate, who only wanted their money.

All the troubles being appeaſed, the Engliſh impatiently expected the performance of the king's promiſes with regard to their liberties, the effectual revival whereof they had been made to hope. However zealous the regent might be for the king's ſervice, he did not think proper to make him violate his word. Wherefore, he ſent expreſs orders [s] to all the ſheriffs of the kingdom, to ſee the two charters of king John duly obſerved [t], and to puniſh without mercy all violaters thereof. How happy would the Engliſh have been if the ſucceſſors of this great man in his poſt and credit with the king, had followed the ſame maxims, and infuſed them betimes into the mind of this young monarch! but by taking a contrary courſe, they were the cauſe of all the troubles of this reign.

He orders king John's charters to be obſerved. An. Waverl.

Whilſt the French were in England, Lewellyn, prince of Wales, who was in league with them, had taken ſeveral places, of which it would have been difficult to diſpoſſeſs him without re-aſſembling the diſbanded troops: this however the regent was willing to avoid, that he might not be forced to diſoblige the ſubjects by levies of men and money, at a time when it was neceſſary to gain their affection by cauſing them to enjoy the fruits of peace. For this reaſon he granted the prince of Wales an honourable and advantageous peace, and procured him the legate's abſolution, hoping thereby to induce that turbulent prince to remain in quiet [u].

The prince of Wales makes peace with the king. Act. Publ. tom. i. p. 225. Hemingford.

This affair being ended, Gallo, the legate who was recalled, ſet out for Rome [w]. Pandulph, whom I have had frequent occaſion to mention in king John's reign, ſucceeded him in his office [x].

Pandulph is legate for England. M. Weſtm.

[s] Theſe letters or orders are not to be found in our hiſtories, but remain upon record in the Tower, on the Clauſe-roll of this year. See Dr. Brady's Appendix, n° 144, and Tyrrel's Appendix, n° 8.

[t] The Annals of Waverley ſay, that the wiſemen of England, or the parliament, met at London after Michaelmaſs, and revived the laws and liberties of the kingdom, according to king John's charter. p. 184.

[u] He had the cuſtody of the caſtles of Caermarthen and Caerdigan, with the lands and appurtenances, delivered to him during the king's minority, after which he was to reſtore them. Rymer's Fœdera, tom. i. p. 225.

[w] Though the kingdom was then reduced to the loweſt degree of poverty, yet he made ſhift to carry off twelve thouſand marks with him. M. Weſtm. This year, in May, Stephen Langton, archbiſhop of Canterbury, returned to England. Chron. Mailros.

[x] This year alſo was held a common council, or parliament (though the exact time is not mentioned) wherein it was ordained, that no letters patents ſhould be ſealed with the king's great ſeal, till he came to be of full age. Brady, p. 528.

The

1219. The regent issues fresh orders about the charters. An. Waverl.

The orders concerning the two charters not having been duly executed, the regent sent itinerant justices into all the counties, to cause them to be better observed. He was persuaded, he could not, without injustice and great injury to the honour and interests of the young king, leave unexecuted what the prince and the king his father had promised with an oath. Had he lived any longer, he would have infallibly so ordered that affair as not to be easily alterable. But this great man, equally qualified for war and peace, died shortly after, lamented by the whole kingdom, which he had freed from slavery by his prudence and valour [y]. Peter des Roches, bishop of Winchester, was made regent, and Hubert de Burgh, who defended Dover, chief justiciary of England [z].

He dies, and is succeeded by the bishop of Winchester. Hubert de Burgh is made justiciary.

1220. Henry is crowned again. Mat. Paris. T. Wikes. M. Westm.

The coronation of the king had been performed at Gloucester, in the presence of so few lords and with so little solemnity, that it was thought proper to renew the ceremony with more pomp in the usual place. Cardinal Langton, archbishop of Canterbury, who returned into England after the troubles were over, set the crown on the king's head, having first administered to him the customary oath [a].

Immediately after his coronation, Henry, attended by the new regent, made a progress into several counties. His design was to make some alteration with regard to the custodies of the castles, committed by his father to such as the new regent thought he could not confide in. He met with no opposition but from William earl of Albemarle, governor of Rockingham castle, who, setting up for a petty sovereign or rather a tyrant, took little or no notice of the orders sent from court. The garrison made a show of defending themselves, but when they saw the whole country in arms to assist the king and free themselves from this oppression, they did not stay to be compelled to surrender, but chose rather to procure some little advantages by a capitulation.

1221. The earl of Albemarle resists the king. Mat. Paris.

This year the new building of the abbey-church of Westminster [b] was begun, the king himself laying the first stone.

Mat. Paris. M. Westm.

William (de Forz) earl of Albemarle was very uneasy at the loss of his castle, of which he thought himself unjustly deprived. In revenge of this pretended injury he fortified himself in his castle of Biham, by means of which he held

The earl of Albemarle rebels. Mat. Paris. Walt. Cov. M. Westm.

[y] He died about the middle of March, and his body was deposited, on the 16th of the same month, in the church of the Knights Templars (now the Temple church) where his effigy, in a coat of mail, is still to be seen in the middle of the round. Mat. Paris.

[z] The justiciary was as it were the king's lieutenant-general. Rapin.

[a] Walter of Coventry says, the king was crowned with St. Edward's crown, on the 7th of May.

[b] Then called St. Mary's chapel.

the

the whole country round in ſubjection: he even compelled merchants and tradeſmen to take paſſes of him for leave to go through the neighbourhood, without which they were in danger of being rifled. The complaints of theſe oppreſſions being laid before the parliament then aſſembled at Weſtminſter, he was ſummoned to appear and anſwer for himſelf [c]. He pretended to obey, and accordingly ſet out with deſign as was thought to repair to London: mean time he took the road to Northamptonſhire, and ſurprized the caſtle of Fotheringay, where he placed a ſtrong garriſon, and then returned to Biham. Upon this news the parliament reſolved that an army ſhould be immediately raiſed to lay ſiege to Biham, and the earl puniſhed for his inſolence according to the utmoſt rigour of the law. When earl William found the king's army was on the march, he retired into the north, leaving in his caſtle a governor, who ſurrendered not till after a long reſiſtance. It was believed the rebel would be purſued, or at leaſt compelled to quit the kingdom; but he found means to make his peace by the mediation of the archbiſhop of York [d]: that prelate repreſenting in his behalf, that it was but juſt to balance this offence with the great ſervices he had done the late king, the regent was prevailed with by that conſideration. A fatal precedent, which afterwards encouraged other barons to commit the ſame fault without dread of puniſhment!

He is pardoned. Mat. Paris.

The court had made a progreſs the laſt year to York, where a marriage was agreed upon between the king of Scotland and the princeſs Joanna the king's ſiſter; but as ſhe was in the hands of the earl of March, to whoſe eldeſt ſon ſhe was contracted, it was no eaſy matter to get her; however, after ſome negociation, ſhe was at length ſent back to the king her brother, and her nuptials with the king of Scotland were ſolemnized this year. Shortly after, Hubert de Burgh, chief juſticiary, eſpouſed the eldeſt ſiſter of that prince; an honour, which by procuring him the alliance of two monarchs, might one day raiſe his poſterity to the throne of Scotland.

Joanna the king's ſiſter is married to the king of Scotland. Act. Publ. tom. i. p. 193, et 240. Mat. Paris.

The term of Pandulph's legateſhip being expired, he laid down his office, and reſided at his ſee of Norwich [e], procured him by the pope in reward of his ſervices.

Pandulph made biſhop of Norwich. An. Waverl.

What care ſoever was taken by the late earl of Pembroke and the preſent miniſtry to keep the peace of the kingdom, there were perſons who made it their buſineſs to diſturb it.

A quarrel between the Londoners and men of Weſtminſter

[c] He was joined by Faulk de Brent, Philip Marc, Peter de Maulion, Engelard de Athie, etc. Mat. Paris, p. 310.

[d] Mat. Paris ſays, it was by the mediation of Pandulph.

[e] Mat. Paris ſays, he returned to Rome.

Mat. Paris. M. Weſtm. They laid hold of an opportunity which a quarrel between the citizens of London and Weſtminſter furniſhed them with. A great wreſtling match being made between the Londoners and the country people, many Weſtminſter men came to the place appointed, and being deſirous to diſpute the prize, had the mortification to ſee their neighbours gain the honour of the victory. This honour, though in itſelf very ſmall, raiſed however the jealouſy of the Weſtminſter men, who were expoſed to the inſulting ralleries of the conquerors. The ſteward of the abbot of Weſtminſter, prepoſterouſly imagining his maſters and his own honour were concerned, undertook to revenge his fellow-citizens, and appointed another match at Weſtminſter, to which the citizens of London flocked in great numbers: but as they went without arms, they were rudely attacked by the Weſtminſter men, who wounded ſeveral and put the reſt to flight. This treachery cauſed a terrible commotion in London: the mob being got together, reſolved to be revenged for this outrage, the authority of the mayor not being able to curb them. A citizen of London, one Conſtantine, an incendiary, who had been a zealous ſtickler for the French during the troubles, heading the rabble, did all he could to inflame them: he repreſented to them it was in vain to expect juſtice from magiſtrates regardleſs of the honour of the city, and therefore they ought, without delay, to make their enemies know the citizens of London were not to be attacked with impunity. His ſpeech meeting with applauſe, he cried with a loud voice, "Monjoye St. Dennis!" the watch-word of the French, and marching towards Weſtminſter at the head of the mob, cauſed the ſteward's houſe to be pulled down to the ground, after which he returned in triumph to London. The tumult being appeaſed, Hubert, chief juſticiary, came to the Tower, and commanded ſeveral of the citizens to appear before him. Conſtantine was there among the reſt, and maintained to the juſticiary's face, that "the citizens of London had done nothing puniſhable by the law, and were reſolved to ſtand by what they "had done." Hubert ſeeing this inſolence, diſmiſſed all the reſt, and detaining Conſtantine, ordered him to be hanged the next morning, though he offered a thouſand marks for his life [f]. The juſticiary's ſeverity did not ſtop here: a few days after, he cauſed to be ſeized in their houſes the chief rioters, ſome of whom had their hands, and others their noſes and ears cut off, and then were ſent back thus maimed into the

1222. Conſtantine ſtirs up the Londoners to a revolt.

Hubert orders him to be hanged;

and puniſhes ſome more of the rioters.

[f] Mat. Paris ſays fifteen thouſand, for it ſeems he was very rich.

city.

city. After this he turned out all the magiſtrates of London, and obliged thirty of the moſt conſiderable citizens to be pledges for the good behaviour of the city, to which the communities agreed by a charter ſealed with their common ſeal [g]. This rigour might have been juſtifiable, if Hubert had not acted in an arbitrary manner, and directly contrary to the tenor of the Great Charter, which ordered, purſuant to the ancient cuſtom of the kingdom, that every man ſhould be tried by his peers: hence he became odious to the nation, and eſpecially to the Londoners, who did not fail to make him feel the effects of their hatred, when it was in their power.

1223. The parliament petitions the king that the charter may be obſerved. Mat. Paris, p. 316. M. Weſtm.

Theſe arbitrary proceedings of the juſticiary obliged the parliament, which met ſome time after at London, to requeſt the king that he would be pleaſed to cauſe the Charter of Liberties, which he had ſworn to confirm, to be obſerved throughout the kingdom. This requeſt was not reliſhed by thoſe who were then at the helm. Since the death of the earl of Pembroke, the court with the new miniſtry had taken up new maxims, inſomuch that what appeared to the former regent to be highly juſt, ſeemed the reverſe to the preſent miniſters. When the parliament preſented their petition to the king, one of his counſellors [h] replied, "It was not reaſonable to deſire the execution of a charter extorted by violence." This imprudent anſwer gave great offence to the archbiſhop of Canterbury, who ſharply reproved the counſellor, telling him, "If he really loved the king, whoſe intereſt "he ſeemed to have ſo much at heart, he would not ſeek to "involve the kingdom again in troubles, from which it was "happily freed." Henry, who was then but ſixteen years of age, approved of what the archbiſhop ſaid, and declared it was his intention to cauſe the charters of his father to be ſtrictly obſerved. Accordingly, ſome days after, he ſent his orders to all the ſheriffs, to ſee them put in execution [i].

If

[g] They bound themſelves to deliver up the ſureties to the king or juſticiary, whenever they were called for; and if any of them died, to add others in their ſtead. This is mentioned by no hiſtorian, but the recognizance is found upon record in the Tower. See Dr. Brady's Appendix, nº 147.

[h] William Brewer. Mat. Paris.

[i] According to M. Paris, he ſent his letters to all the ſheriffs to make inquiry by the oath of twelve knights or legal men in every county, what were the liberties of England in the time of king Henry his grandfather, and to ſend a return thereof to London fifteen days after Eaſter. But neither is this account exactly true; for it appears by the writ itſelf, ſtill extant, that the inquiry was to be what cuſtoms and liberties were granted by king John, which ſhews of what uſe the records are, to rectify the miſtakes of the hiſtorians. The writ was as follows: "Rex vicecomiti Suſ- "ſex. ſalutum. Præcipimus tibi quod "diligenter inquiri facias in pleno co- "mitatu tuo per ſacramentum duode- "cim de legalioribus & diſcretioribus "militibus

If he had always continued in these dispositions, it would have saved him many vexations and misfortunes, to which he was afterwards exposed. Mean time the parliament, satisfied with what the king had done, granted an aid of three marks for every earl, one mark for every baron, a shilling for every knight, and for every house in the kingdom, one penny[1].

W. Coven. An. Waverl.

The king of France dies, and is succeeded by Lewis his son, who refuses to perform his oath. M. Paris.

Philip Augustus king of France dying about this time, and Lewis VIII. his son succeeding him, Henry's council thought proper to send ambassadors to the new king, to challenge the performance of his promise with regard to the territories taken by Philip from king John. Lewis answered, he did not think himself obliged to the performance of a treaty which the king of England had first violated in exacting large ransoms of the prisoners, and neglecting to restore the ancient laws, as was agreed: that for his part, he held Normandy and the other provinces taken from the English by right of conquest, and as their sovereign lord; and in case his right was disputed, he was willing to submit to the judgment of his peers. Some

M. Paris.

say, he alledged also the death of Constantine in revenge, as he pretended, for his affection to France, as a reason why he thought himself free from all his engagements; after which, he dismissed the ambassadors without farther reply.

Great credit of the justiciary.

Whilst these things were transacting, the favour and credit of the justiciary were increased to such a degree, that he assumed a power to which none in his post had ever pretended. He was not content as long as there was one above him, from whom he was obliged to receive orders. This was the bishop of Winchester, who being appointed regent by authority of

He gets the pope to declare the king of age.

parliament, could not easily be removed. As the regency was still to last some years, Hubert thought he had found an infallible way to shorten it, by obtaining from the pope a bull, declaring the king of full age. This bull authorized Henry

" militibus comitatus tui per quos rei " veritas melius sciri poterit quas con- " suetudines & quas libertates dominus " Johannes rex pater noster habuit in " balliva tua die qua guerra incepit " inter ipsum & barones suos Anglie " de terris & forestis & aliis infra Bur- " gos & extra, & quas consuetudines & " libertates ipsum regem patrem nos- " trum tunc habuisse didicerit per in- " quisitionem prædictam, clamari & " firmiter nobis observari facias in co- " mitatu tuo, & inquisitionem illam " & nomina inquisitorum nobis scire " facias apud Westmonasterium in " crastino clausi paschæ distincte & " aperte sub sigillo tuo & sigillis eo- " rum per quos inquisitio illa facta fue- " rit, & habeas ibi hoc breve. Teste H. " &c. apud Westm. tricesimo die Janu- " arii." Claus. 7 Hen. III. M. 14. Dorso.

[1] Walter of Coventry, and the Annals of Waverley say, it was a poll-tax for the succours of the Holy Land. And, besides the sums mentioned by Rapin, the last informs us, that every freeholder paid one penny; and whoever had chattels to the value of half a mark, paid likewise a penny: but this tax was soon after abolished. An. Waverl.

to

to take the reins of the government into his own hands, without being obliged any longer to make use of a regent. The bull likewise enjoined all that had the custody of the king's castles, forthwith to surrender them to the king, to be disposed of according to his pleasure. But how express soever this order might be, the barons refused to comply [m], because it was directly contrary to the laws of the realm, by which the king was not to be of age till one and twenty. The barons agree not to it.

This artifice not succeeding, Hubert invented another to compass his ends. As the pope's declaring the king of full age was to no purpose, since the barons would not agree to it, and as it was impossible to extort their consent as long as they were masters of the castles, he devised this stratagem to wrest them out of their hands. He caused the king to demand of him the castles in his custody, to which he submitted, on condition the rest of the barons should do the same. Accordingly he surrendered to the king the Tower of London, and the castle of Dover, the two most important places in the kingdom. Some of the barons followed his example, not imagining there was any fraud in this proceeding. But when once the king was in possession of their castles, he restored to Hubert all those he had voluntarily resigned, thus openly deriding their credulity. A proceeding so unworthy of a prince began from thenceforward to breed in the barons an ill opinion of the king. They were chiefly incensed against the favorite, whom they looked upon as the principal contriver of the cheat. Most of those that had places at court, not being able to bear the pride and haughtiness of this minister, resigned them, and retired into the country, with a resolution to embrace the first opportunity to be revenged. Mean time, all the lords not having fallen into the snare, Hubert tried to bring them to obedience, by threatning them with excommunication. Some were frighted into a compliance; but others resolved to stand their ground, in spite of the king and his justiciary. Hubert's artifice to get the castles from the barons. Rad. de Cogg. M. Paris.

These domestic broils were interrupted by foreign wars. Lewis VIII. king of France, not content with refusing to perform what he had promised with an oath, confiscated all the territories held by the English in France, and marched directly into Saintonge, where he became master of several places; after which he laid siege to Rochelle, where Savary 1224. The king of France attacks Saintonge, and takes Rochelle. Act Pub. tom. i. p. 269.

[m] The chief of them were the earls of Chester and Albemarle, John constable of Chester, Faulk de Brent, Robert de Vicupont, Brian de L'Isle, Peter de Maulion, Philip Marc, Ingelard de Athie, William de Cantello, and his son, &c. M. Paris.

M Paris. P. Æmylius. de Mallion was governor. It is said, this lord, who had received intelligence of the king of France's designs, demanding a supply of money of the court of England, there was sent him instead of the money a coffer full of old iron. So shameful a neglect of the preservation of a place, which deserved the whole care of the ministry, so provoked the governor, that he surrendered the city in a few days, and turned to the French [n]. Lewis's pretence for breaking the peace was, that Henry, as duke of Guienne, did not assist at his coronation. But the true reason was, that he was willing to take advantage of that prince's minority, to expel the English entirely out of his kingdom. This war, begun upon so slight an occasion, of which Lewis had not so much as made any complaint, convinced the court of England, that it was indispensably necessary to send an army into France. Accordingly a parliament was called to consider of ways and means.

Rebellion of Faulk de Brent. M. Paris. M. West. T. Wikes. An. Waver. Whilst the king and parliament were employed in this affair, the outrages committed by Faulk de Brent interrupted their debates. Faulk, encouraged by William of Albemarle's impunity, tyrannized over his vassals and neighbours, and committed such violences, that he was condemned in a fine of a hundred pounds sterling, by three judges sent down on purpose [o]. His fierce and haughty temper causing him to consider this sentence as a great injury, he resolved to be revenged. To that end, he sent William his brother to Dunstable, where the judges were holding the assizes, with orders to seize them by force and bring them to him. Two of them escaped, but the third, Henry de Braibrock, was taken and carried to Bedford castle, where he suffered a thousand indignities. News thereof being brought to the parliament, it was unanimously resolved, that this disturber of the peace should be exemplarily punished, and all other business laid aside till that affair was ended. Pursuant to this resolve, Faulk's brother, who commanded in Bedford, being summoned to surrender the town to the king, and refusing to obey, was attacked so vigorously, that he was at length forced to surrender at discretion. What endeavours soever his friends might use to appease the king, they could not prevent his being hanged, with four and twenty knights found in the garrison; after

[n] We find in the Collection of the Public Acts, a letter, whereby it appears, there was treachery in the loss of Rochelle, either in the governor, or some of the inhabitants. Tom. i. p. 269. Rapin.

[o] Matthew Paris says, he had thirty verdicts given against him in the trials of Novel Disseizin, in each of which he was fined a hundred pounds, that is, in all, three thousand pounds.

which,

which, the caſtle was ordered to be raz'd to the ground [p]. Mean time, Faulk, who was retired into Wales, upon aſſurances given him by ſeveral lords to ſupport him, finding they were not as good as their word, implored the king's mercy by the mediation of the biſhop of Coventry. This prelate uſing the ſame arguments that were alledged by the archbiſhop of York in behalf of William of Albemarle, obtained the rebel's pardon as to life and limbs. But he could not hinder his being delivered to the cuſtody of the biſhop of London till the next year, when the parliament confiſcated his eſtate, and baniſhed him the realm. Henry obtained for the charges of this expedition an aid of two ſhillings upon every hide of arable land [q].

Act. Pub. tom. i. p. 261, 272, 273, 298.

But he wanted greater ſums to carry on the war with France. For the obtaining whereof he called another parliament, of whom he demanded a fifteenth upon moveables. The parliament told him, they would readily grant him the aid he required, provided the charters of king John, which had all along been neglected, were punctually obſerved for the future. The king's circumſtances not ſuffering him to deny their requeſt, he readily granted it, and even ſent into every county commiſſioners to ſee the charters executed [r]. But the effects of theſe orders were of no long continuance. However, people were ſo well ſatisfied of the king's good intentions, that never was tax levied with more exactneſs. To ſmooth the way, the biſhops excommunicated all that ſhould be guilty of any fraud.

1225. A ſubſidy granted on condition that the charters were obſerved. M. Paris. M. Weſt. An. Waverl.

The king made uſe of this money to raiſe an army, which was ſent into Guienne, under the command of prince Richard his brother, lately made earl of Cornwal. Richard, having the earl of Saliſbury for his lieutenant, made ſome progreſs in Guienne, where he took St. Macaire. After that, he beſieged the caſtle of La Reole, a ſtrong place, which, by its reſiſtance, gave the earl of Marche, general of the French army, time to come to its relief. The Engliſh hiſtorians pretend, Richard obtained a conſiderable advantage over the earl. The French, on the contrary, ſay, that perceiving he was not ſtrong enough

Act. Pub. tom. i. p. 277. M. Paris. M. Weſt.

[p] So that, of all that ſtrong and noble ſtructure, no ſign, except the mount, remains at this day; but the ſite and lands about it, were reſtored to William de Beauchamp, who laid claim to the ſame.

[q] And gave the great men that had accompanied him in this expedition, leave to take a ſcutage of two marks from every knight's fee held of them. M. Paris, p. 322.

[r] The king ſigned and ſent two charters to every county, one concerning the common liberties, the other of the liberties of the foreſts. M. Paris. Ann. 1225. Hemingford. An. Burton.

towards a battle, he retired beyond the Dourdogne, and shortly after into England. It is certain however, Richard quitted not Guienne till 1227, as appears from the Collection of the Public Acts.

Tom. i. p. 291.

1226. The king is declared of age.

The year 1226, began with a parliament, wherein the king, who was recovered from a dangerous illneſs, was declared of full age, though he was not yet ſo old as the law required. But this was not the only buſineſs for which the parliament was called. A legate, lately arrived from Rome, had an extraordinary propoſal to impart to them from the pope, which concerned the whole kingdom, and eſpecially the clergy. The ſubſtance of the propoſal was, that, ſince the holy ſee had long lain under the ſcandal of doing nothing without money, it was for the honour and intereſt of all chriſtians to wipe away this reproach, by removing the cauſe. That it was notorious to all, the extreme poverty of the church of Rome, laid her under an abſolute neceſſity of demanding ſome acknowledgment for the favours ſhe diſpenſed to her ſons; that ſhe deſired nothing more than to be in a capacity to proceed with moderation; and the beſt means to that end would be, for the faithful to grant her aids proportionable to her wants. Then the legate propoſed, that to ſupply the urgent occaſions of the holy ſee, there ſhould be ſet apart for that purpoſe, out of every cathedral, two prebendaries; and out of every monaſtery, two monks portions; and that this grant ſhould be confirmed by parliament. He ſupported his propoſal with the moſt ſpecious reaſons he could deviſe; without promiſing however, that the pope would take nothing for his future favours, but only inſinuating, he would uſe more moderation in that reſpect. It was not very difficult to perceive the pope's aim. Therefore all the legate's eloquence was not able to prevail with the parliament, who, to his great mortification, did not even vouchſafe to give him an anſwer. When he would have complained of this diſobliging treatment of the pope, he was told, the abſence of the king, and ſome of the principal biſhops, prevented the taking into conſideration a propoſal of that nature. Not diſcouraged at this repulſe, he required, that the ſeſſion of parliament ſhould be continued, till the king and the abſent prelates were come. But his inſtances were not regarded, and the parliament broke up, without coming to any reſolution; ſo that the legate was forced to wait with patience till the next ſeſſion. Mean time, he took a journey into the northern counties, where, under pretence of the right

An extraordinary demand of the pope. M. Paris. p. 328. M. Weſt.

The parliament makes no reply to the legate's demand.

M. Paris. p. 330.

of

of procurations *, he oppreſſed the churches to ſuch a degree, that they were forced to complain to the pope, who recalled him for fear of exaſperating the Engliſh at ſo critical a juncture. However, the pope, who did not yet deſpair of obtaining what he had demanded, enjoined the archbiſhop of Canterbury to cauſe the parliament to meet again, and require a poſitive anſwer to the legate's propoſal. The king having adviſed with the biſhops, ſent the pope word, that, ſince this affair did not only concern England, but all Chriſtendom too, he was ready to conform to the reſolutions which ſhould be taken in other chriſtian countries. This was properly a civil denial; for it was well known, a legate had made the ſame propoſal in France, but to no manner of purpoſe.

The pope inſiſts upon it. ibid.

Mean time, Henry continued his preparations to carry war into France. But he found himſelf obliged to ſuſpend them; for Lewis, engaging to command a cruſade againſt the Albigenſes, had procured the pope's expreſs orders to all chriſtian princes, not to give him any diſturbance during his expedition. Henry conſulting his parliament upon theſe orders, was adviſed to put off the war till the return of the king of France, who was then beſieging Avignon, where entrance was denied him. This prince died ſoon after his taking that place, not without ſuſpicion of being poiſoned by the earl of Champagne, who was deſperately in love with the queen. Lewis IX. his ſon, ſucceeded him, under the guardianſhip of Blanch of Caſtile his mother, who, though a foreigner, had intereſt enough to obtain the regency of the kingdom.

Lewis VIII. head of the cruſade againſt the Albigenſes. Act. Pub. tom. i. p. 304. M. Paris. M. Weſt. An. Waverl. He dies, and is ſucceeded by his ſon.

Whilſt the Engliſh arms were ſuſpended by the ſuperior orders of the court of Rome, Henry began his majority with an act of injuſtice, for which he had not the leaſt colour. As he durſt not demand any money of the parliament, who had ſo lately granted him a very conſiderable aid, he bethought himſelf of an expedient, formerly uſed by Richard his uncle on the like occaſion, after his return from the Holy Land: Which was to oblige all thoſe that had charters to renew them, upon payment of ſuch a ſum. This order, the only end whereof was to fill the king's coffers, fell the heavieſt upon the monaſteries. All unjuſt methods invented by princes to extort money from their ſubjects, are ſo many inexhauſtible ſprings of oppreſſion, ſucceſſors ſeldom failing to follow ſuch precedents.

Henry cauſes all charters to be renewed in order to raiſe money. M. Paris. M. Weſt.

* The legates had a right to demand their expences to be defrayed, when they viſited the churches and monaſteries, which had been converted into ready money. Rapin.

In

1227. In the beginning of the next year, the ſudden death of the earl of Saliſbury, natural ſon of Henry II. at a banquet, to which he was invited by the chief juſticiary, gave occaſion for ſtrong ſuſpicions of that miniſter[t]. However, no inquiry was made, none daring to attack a favorite, who had an abſolute ſway over the king. As Henry advanced in years, he was obſerved to have qualities little conſiſtent with a great prince; an extreme avarice, an aſtoniſhing fickleneſs, great caprice and unevenneſs in his conduct, an unuſual eaſineſs to be governed by thoſe about him, and beyond all this, principles of oppreſſion and tyranny, which afforded a terrible proſpect for the future. Though he was declared of age the laſt year, he kept the biſhop of Wincheſter near his perſon for the ſake of his advice; but Hubert de Burgh would not ſuffer him to retain him any longer. He repreſented to him, that though he was declared of full age, he would always be conſidered as under the guardianſhip of a regent, as long as that prelate was at court; and it was for his honour and intereſt to ſhew his ſubjects he was capable of governing by himſelf. This advice being readily embraced by the king, who perceived not the motive, the biſhop of Wincheſter was ordered to return to his dioceſe.

Hubert is ſuſpected of poiſoning the earl of Saliſbury. M. Paris.

Character of Henry III.

M. Paris.

The biſhop of Wincheſter is ſent to his dioceſe.

Hubert adviſes the king to become abſolute. Ibid.

The Engliſh would have been unconcerned, and perhaps glad at the biſhop's diſgrace, if it had not been immediately followed by an event which convinced them, it would have been better the king's favour had been always divided. As ſoon as Hubert ſaw himſelf without a rival in the miniſtry, he endeavoured to ſet himſelf above the laws, by perſwading his maſter, that his ſole aim was to render him abſolute. It was not difficult to engage him in a project ſo agreeable to his inclination. Beſides the renewal of the charters, he had extorted five thouſand marks from the Londoners, under pretence of their lending the like ſum to prince Lewis when he left England. The town of Northampton had been compelled to pay him twelve hundred pounds, on ſome other no leſs frivolous pretence. The monaſteries had met with no better quarter.

The king begins to oppreſs the people. Id. p. 336. M. Weſt.

[t] He was ſon of Henry II. by Roſamond. His body was buried at Old Sarum, and from thence removed to the new city, and interred in a monument, on the north-ſide of the chapel of our Lady, in the cathedral church, in a tomb of wood richly painted, diapered and gilt. His effigy lies thereon of grey marble, in his coat of mail, his ſword by his ſide, and upon his antique ſhield are ſix lions rampant emboſſed; the like number of lions are painted alſo upon his ſurcoat; but by reaſon of the many foldings thereof, are not eaſily perceived. He married Ela, daughter and heir to William Fitz-Patrick earl of Saliſbury, by whom he had four ſons and four daughters. He was ſucceeded by his eldeſt ſon William Longeſpee, ſecond of the name, earl of Saliſbury. Sandford's Genealog. p. 115.

Not-

Notwithſtanding their appeal to the holy ſee, he had exacted from them large ſums, whilſt the affair was depending before the pope. Theſe things were plain indications, how little he was diſpoſed to keep any meaſures with his ſubjects, and began to cauſe him to forfeit their eſteem. But what he did further, by the violent counſels of the juſticiary, entirely alienated their affection. On a ſudden, when it was leaſt expected, he annulled the two charters of the king his father, though he had bound himſelf by oath inviolably to obſerve them, pretending he was not obliged to ſtand to what he had promiſed during his minority. Hubert for his part, regardleſs of the murmurs of the people, by whom he was deemed the author of theſe pernicious counſels, cauſed himſelf to be created earl of Kent, in reward of the great ſervice lately done his maſter, in freeing him from the yoke of theſe charters.

He annuls King John's Charters.

Hubert made Earl of Kent. M. Paris.

The conduct of the king and his miniſter bred ſuch diſcontent among the barons, that it was eaſy to ſee their little affection for their ſovereign. Prince Richard, who arrived from Guienne ſoon after the revoking of the charters, took advantage of the diſpoſition of the barons, to brave the king his brother in a conteſt he had with him. King John having given one Waleran a German, a certain manor belonging to the earldom of Cornwal, Richard, as ſoon as he was inveſted with that earldom, ordered Waleran to appear and produce his title, and in the mean time cauſed the manor to be ſeized. Whether Waleran had loſt his charter, or thought it defective, he refuſed to obey the ſummons. On the contrary, as if great injuſtice had been done him, he carried his complaints to the king, who without examining the affair, ordered the prince's officers to reſtore the manor. They found means however to be excuſed till the return of their maſter. Upon his arrival, Richard repreſented to the king, that he had done Waleran no wrong in obliging him to ſhew his original title: That his intent was not to deprive him of his lands by force, but to have the matter decided by the laws, and to that end offered to refer it to the judgment of the peers of the realm. Henry, offended at this propoſal, fell into a paſſion with his brother, and commanded him to reſtore the manor in diſpute by ſuch a time, or depart the kingdom. Richard boldly replied, that he would do neither without the judgment of his peers, and immediately retired without ſtaying for an anſwer. The juſticiary, who never ceaſed to inſpire the king with violent maxims, adviſed him to take the prince into cuſtody. But whilſt Henry conſidered of it, Richard withdrew from court, and poſted to the earl

Quarrel between the King and Prince Richard. M. Paris. p. 337.

Richard's bold anſwer to the king.

of

of Pembroke to consult him upon this affair. Pembroke approved of what the prince had done, and perceiving this to be a favorable opportunity to check the arbitrary power, the king had a mind to usurp, believed he ought to improve it. And therefore he assured Richard, he was ready to assist him with his life and fortune, and did not question but most of the barons would do the same. Indeed, shortly after, by the diligence of the earl-marshal, the earls of Gloucester, Chester, Warren, Warwick, Ferras, and Hereford, with many other barons, joined with Richard, and took up arms, to compel the king to restore the charters he had lately annulled. Hubert was alarmed at this confederacy. As he foresaw it might be attended with fatal consequences, he chose to procure a reconciliation between the two brothers. To satisfy prince Richard, the chief of the confederates, he got the king to settle upon him the queen their mother's dower, to which he pretended a right; and likewise to augment his appenage with the lands of the late earl of Boulogne. Richard, content with this liberality, said no more of restoring the charters, and the confederacy was dissolved. Thus the great use the pretence of the publick good to promote their interest, or gratify their passions. But when means are found to satisfy them as to their private concerns, they discover that the publick good was the least of their views.

He makes a league with divers barons, who take up arms. M. Paris.

Richard is satisfied, and the league broken.

Gregory IX. Pope.

Pope Honorius III. died this year and was succeeded by Gregory IX.

1228. Death of archbishop Langton. M. Paris.

Stephen Langton, cardinal and archbishop of Canterbury, outlived Honorius but a few months. His eyes were no sooner closed, but the monks of St. Augustin, willing to secure the privileges of electing their archbishop, immediately chose Walter de Hemesham, one of their fellow monks. The king was offended at this election without his licence [a], and refused to confirm their choice, because, as he alledged, the father of this monk was hanged for theft. On the other hand, the suffragan bishops of the province of Canterbury, angry that he was chosen without their consent, refused to accept him, because he had corrupted a nun by whom he had several children. Upon this he sent agents to Rome [z], to have the matter decided there. Mean time the church of Canterbury remained vacant.

The election of another, whom the king refuses to confirm. M. Paris. T. Wikes.

[a] M. Paris says, it was done with the king's license, but that Henry not liking the man they had chose, thought fit to set him aside.

[z] The king's agents were, the bishops of Rochester and Chester, and John archdeacon of Bedford. M. Paris, p. 350.

This

This year the Welſh making irruptions into England, the king marched into their country to chaſtiſe them. But after haraſſing his troops to no purpoſe, he returned without making any progreſs [y]. War with the Welſh. M. Paris.

This ſame year, the pope thundered out a bull of excommunication againſt the emperor Frederic II. for neglecting to carry his arms into the Holy Land, as he had ſolemnly vowed. How haughty ſoever this monarch might be, he was forced to bend under the papal power, and perform his vow the next year. Frederic II. excommunicated. Id. p. 345.

Whilſt theſe things paſſed, the regency of Blanch, mother of St. Lewis, occaſioned in France diſturbances, which Henry might have turned to his advantage, had he known how to improve them. But this prince was not of an enterpriſing genius. If ever he formed any projects, it was always in diſadvantagious circumſtances, whilſt he neglected the moſt favourable. A fairer opportunity than this had never offered to recover the provinces, the Engliſh had loſt in France, had it been well managed. The Normans ſiding with the confederate barons againſt the queen regent of France, ſent Henry word, that if he would come in perſon, he ſhould be received with open arms and put in poſſeſſion of that rich province. On the other hand, the Poictevins importuned him to come and ſeize ſuch of their towns as were in the hands of the French, offering him their aſſiſtance. At the ſame time the Gaſcons ſent the archbiſhop of Bourdeaux to inform him, it was now in his power, by taking the advantage of the commotions in France, to expel the French out of the places they were poſſeſſed of in Guienne. Such preſſing invitations, at ſo favorable a juncture, ſhould have induced Henry to make a vigorous puſh for the recovery of what his father had loſt by his negligence. But, by a blindneſs imputed to the counſels of the juſticiary, he anſwered, he would ſtay for a more convenient opportunity, as if he had Troubles in France, which Henry takes not the advantage of. Id. p 353. M. Weſt.

[y] This was was no more than this: There being a wood near Montgomery Caſtle, which uſed to be a receptacle for robbers, the garriſon undertook, with the aſſiſtance of the country-people, to make the road, that led through that wood, wider, and clear it of the thickets on each ſide. Whilſt they were at work, the Welſh came upon them, and forced them to retire into the caſtle, which they beſieged. But the king and Hubert (to whom that caſtle belonged) came and raiſed the ſiege: And then carried on the work as far as a Ciſtercian monaſtery, called Cridie, which they burned. Hubert finding the place to be impregnable, ordered a caſtle to be built there; but the Welſh ſo diſtreſſed king Henry's army, which by the way inwardly favored Lewelin, that Henry was forced to make a diſadvantagious peace; one article whereof was, That this caſtle ſhould be demoliſhed, and Lewelin ſhould give Henry for his charges three thouſand marks. M. Paris.

been

been sure of one every day. We shall see hereafter, that he rashly embarked in this undertaking, at a time when there was not the least appearance of success. Thus did this prince blindly suffer himself to be guided by his ministers, who abused his weakness to advance their own affairs, without any regard to the interests of their master.

The pope nominates another archbishop of Canterbury. M. Paris, p. 355.

Mean time, the dispute concerning the election of the archbishop of Canterbury was carried on at Rome with great warmth, though the pope was not yet pleased to determine the matter. But at length, the king's envoys offering the pope a tenth of all the moveables in England and Ireland, and this offer opening his eyes, he voided the election made by the monks. At the same time, under colour of preventing any future dispute, he himself conferred the archiepiscopal dignity on Richard le Grand, chancellor of the church of Lincoln; wherein he outdid even Innocent III. who was willing at least to keep up some form in causing Langton to be elected by the monks that were sent to him. Though this incroachment of Gregory was of a more dangerous consequence than that of Innocent, yet the king and the suffragan bishops received the new archbishop, pleased with having voided the monks election, without troubling themselves about the prejudice the church of England thereby received.

He demands the promised tenths. M. Paris. p. 361. M. West. An. Waverl.

Shortly after, Gregory, who would not long be deprived of the effect of the promises lately made him, sent one of his chaplains into England to collect the tenths, which were to be expended in his war with the emperor. The king assembling the parliament [a] upon this occasion, the chaplain laid before them the pope's letters, strongly urging the performance of what he had been made to expect. All eyes were fixed upon the king, in expectation that he would oppose this exaction, and disclaim his envoys.

He meets with opposition;

But when he was seen to keep silence, it was easily perceived, the promise had been made by his order, or at least that he had not the courage to contradict the pope's will. The lords [a] therefore thought it their duty to shew greater resolution than the king. The affair seemed to them of such consequence, that they unanimously resolved, not to suffer their lay-fees to be thus liable to the exactions of the court of Rome. However, to satisfy the pope in some measure, they proposed to give him a certain sum, without inquiring into the effects of each particular

[a] The archbishops, bishops, abbots, priors, templars, hospitallers, earls, barons, rectors of churches, and those that held of him in chief, as Mat. Paris expresses it, p. 361. This parliament was held at Westminster. ibid.

[a] The earls, barons, and laicks, as Mat. Paris words it, p. 362.

perſon. In all appearance this method would have been taken, had not Stephen de Segrave, one of the barons, voluntarily ſubmitted to the pope's demands, and drawn in others by his example. The number of thoſe that ſuffered themſelves to be gained increaſing by degrees, the greateſt oppoſers were forced to yield, that they might not incur the indignation of the king and the pope. The clergy durſt ſtill leſs venture to reſiſt, for fear of being expoſed to the excommunication they were threatned with. The nuntio, having thus attained his ends, produced a full power from his maſter to collect the tax, which was to be paid out of all moveables of what nature ſoever. He executed his orders ſo rigorouſly, that he cauſed the tenths of all ſorts of fruits, even of ſuch as were yet growing, to be paid him in money. Neither was this all. That this tax might be levied with the more ſpeed, he obliged the biſhops to advance the money for the inferior clergy, impowering them to reimburſe themſelves in the manner they ſhould think proper. The prelates and abbots therefore were under a neceſſity of finding ready money. But as ſeveral were not able to raiſe it ſoon enough, the nuntio had provided against this inconvenience, by bringing with him certain Italian uſurers, who lent them money at an extravagant intereſt. Thus did the pope abuſe the king's weakneſs, who might eaſily have prevented this exaction, by a vigorous oppoſition. For the earl of Cheſter his ſubject, had the power to hinder this tax from being levied upon his lands, by ſtoutly maintaining, in ſpite of the nuntio's clamours, that the pope had nothing to do with lay-fees. But beſides that, Henry was terrified by the example of the king his father, which was ever in his thoughts; he had another reaſon that induced him to this condeſcenſion for the pope. In his project of rendering himſelf abſolute, and raiſing money upon his ſubjects by all ſorts of ways, he was very ſenſible he ſhould need the pope's protection, and nothing could procure it ſooner, than to let him ſhare in theſe exactions. Accordingly, we ſhall ſee in the ſequel of this reign, that the pope and the king mutually ſtood by each other, whenever the buſineſs was to extort money from the Engliſh.

but gains his point.

The nuntio raiſes the tenths with rigour. M. Paris.

The king and pope ſtand by one another.

The nation had ſcarce forgot the pope's late oppreſſion, when they ſaw themſelves obliged to furniſh the king with means to make war upon the king of France. After the diſturbances in that kingdom were appeaſed, and conſequently the opportunity of profiting by them was loſt, Henry formed the deſign of recovering by arms the provinces taken from the king his father, without conſidering that the poſture of affairs

The king forms the deſign of carrying war into France.

affairs in France was very much altered, the lords that oppoſed the queen-regent being all humbled, and no longer able to aſſiſt him. To execute this deſign, he reſolved to make great preparations; and for that purpoſe ſummoned all the vaſſals of the crown [b] to meet him after Michaelmas at Portſmouth, where he aſſembled one of the fineſt armies that had ever been raiſed in England [c]. However, this extraordinary armament proved fruitleſs, by reaſon when the troops came to be embarked, there were not ſhips enough to tranſport them. This diſappointment threw the king into ſuch a paſſion with Hubert de Burgh, who had taken upon him to get all things ready, that he called him Old Traitor. He charged him with receiving a bribe from the court of France [d], to put a ſtop to the expedition, and in his rage drew his ſword to kill him, but the earl of Cheſter interpoſed, not ſo much to ſave the juſticiary, as to prevent the king from imbruing his hands in the blood of one of his ſubjects. It does not appear, whether Hubert acted [illegible] of deſign or negligence; however that be, the embarkation was forced to be retarded the whole winter. To this the arrival of Peter de Dreux earl of Bretagne did not a little contribute; who perceiving, ſo much time had been loſt in waiting for tranſport-ſhips, and that the Engliſh army, the ſeaſon being too far advanced, would be obliged to take up their winter quarters in his dominions, where they were to land, adviſed the king to defer the undertaking till the ſpring. During this interval, Hubert found means to be received into favour again, and to have the adminiſtration of affairs as before.

Ships are wanting to tranſport the troops.

The King is angry, and would have killed Hubert.

The expedition is deferred.

This year, the emperor Frederic carried his arms into Paleſtine, and compelled the ſultan of Egypt to ſurrender Jeruſalem [e]. He would have puſhed his conqueſts farther, had not the excommunication, denounced upon him by the pope the laſt year, weighed more with the templars and hoſpitallers of the Holy Land, than the valour of that prince. Their prejudice againſt him roſe to that height, that they plotted to deliver him into the hands of the ſultan, to whom they had even communicated their deſign. But this prince, though an infidel, abhorring their treachery, was ſo generous as to diſcover it to Frederic. This generoſity turned more to his ad-

Affairs of Paleſtine. M. Paris.

[b] The earls, barons, and knights. Id. p. 363.

[c] He had ſoldiers even out of Ireland, Scotland, Wales, and Galway. ibid.

[d] Five thouſand marks. M. Paris, p. 363.

[e] The emperor ſent king Henry a large account of his proceedings in a letter under his own ſeal, the copy of which Mat. Paris has inſerted in his hiſtory under the year 1229. p. 356.

vantage than the having the emperor in his power. By that means he ſowed among the Chriſtians of Paleſtine ſuch discord as was extremely prejudicial to their affairs. Frederic finding he could expect no aſſiſtance from the Chriſtians of the Holy Land, and that the pope diverted to other uſes the cruſades deſigned againſt the Saracens, made a ten years truce with the ſultan, and returned into Europe.

Though Henry waited with impatience for the ſpring, in order to tranſport his army into France, his ſtay in England during the winter was not in vain. He procured a conſiderable preſent from the clergy, exacted alſo a large ſum from the city of London, and to leave no means untried to raiſe money, compelled the Jews, who were then very numerous in the kingdom, to pay him a third part of their ſubſtance. As ſoon as the ſpring was come, he embarked with his army at Portſmouth, and landed at St. Maloes, where he was received by the earl of Bretagne, who put into his hands all his ſtrong towns and caſtles. Mean time the French having had all the winter to prepare, were poſted near Angers, with deſign to hinder his march into Poictou. Henry gave them time to fortify themſelves in their poſt, whilſt he continued at Nants, expecting the reſt of his troops, which were to come from Ireland. Though by the prudent conduct of the queen-regent of France, the male-contents were humbled, and had promiſed to remain quiet, they no ſooner ſaw the king of England in Bretagne, and all Lewis's forces employed in thoſe parts, but they began to ſtir again. Upon which the king and the queen-regent were obliged to quit Anjou, in order to oppoſe the deſigns of the male-contents, which ſeemed to them of more dangerous conſequence than the progreſs the Engliſh might make. This was the time for Henry to act vigorouſly, eſpecially as the Normans preſſed him to march into their country, where they were ready to receive and aſſiſt him to the utmoſt of their power. But though he was inclined to that way, it is pretended, he was diſſuaded by his favourite, who told him, the attempt was liable to very great difficulties. Inſtead therefore of marching into Normandy, he went to Poictou, and took the caſtle of Mirabel. After which, as if he intended to ſhew the French male-contents they were to expect nothing from him, he came to Guienne to receive the fealty of the Gaſcons. In ſhort, after loſing much time, he returned into Bretagne, where he employed himſelf in ſuch a manner, as demonſtrated his little inclination for war. This conduct gave occaſion to ſuſpect his miniſters of holding intelligence with

1229. Henry raiſes money by unjuſt methods. Id. p. 365. M. W. ft. Makes a deſcent into Bretagne. An. Waverl. T. Wikes. Act. Pub. T. i. p. 315.

M. Paris.

Marches into Guienne; and from thence returns into Bretagne, without doing any thing againſt the French.

the enemy, who had ſufficient time to appeaſe the troubles of the kingdom. Accordingly, the queen-regent took this opportunity, which was ſo prepoſterouſly given her, to be reconciled with the confederate barons. They readily conſented to a peace, when they found Henry made no advances to ſupport them.

At the approach of the French he retires into England.

As ſoon as the queen-regent had nothing to fear from the barons, ſhe ordered the army to march towards Bretagne, where Henry was laviſhing away the remains of his money in entertainments and diverſions, as if in leaving England he intended only to take a journey of pleaſure [f]. Upon the firſt news of the enemy's approach, finding his treaſure ſpent, and fearing to draw upon himſelf all the forces of France, he ſhamefully returned into England. Nay, he was very hardly prevailed with to leave part of his army in Bretagne, under the command of the earls of Cheſter and Pembroke [g], to ſupport the duke, whom he had unſeaſonably engaged in the war. Theſe lords, leſs timorous than their king, with theſe few troops, not only hindered the French from entering Bretagne, but made incurſions into Anjou and Normandy, from whence they carried away a great booty. Thus ended this expedition. Inſtead of procuring any advantage to Henry, it ſerved only to render him contemptible to his ſubjects, who would never more hearken to an expedition againſt France, ſince he had made ſuch ill uſe of ſo favourable a juncture.

Act. Pub. T. i. p. 325.

He caſt the whole blame on the treachery of the earl of Marche and the Poictevins, who performed not what they had promiſed. But he was himſelf the cauſe of their change, ſince, in all appearance, they would not have deſerted him, if his proceedings had given them any hopes of a powerful protection.

1230. Rebellion in Ireland. M. Paris.

During Henry's abſence in Bretagne, ſome commotions happened in Ireland. The king of Connaught, willing to take advantage of the weakneſs of the Engliſh, whoſe beſt troops were ſent to the king, invaded their territories with a great army, or rather with multitudes of unwarlike people. But he found in Geoffrey de Maris, juſticiary of Ireland [h], a more formidable enemy than he expected, who, killing twenty thouſand of the Iriſh, took their king himſelf priſoner.

[f] M. Paris ſays, the earls and barons ſpent their whole time in feaſting and drinking; and the ſoldiers ſold their horſes and arms, that they might have ſomething to make merry withal. p. 367.

[g] In his return from this expedition died Gilbert de Clare, earl of Gloceſter, and was buried in Tewkſbury abbey, in the ſame county. An. Wavel. p. 192.

[h] With the aſſiſtance of Walter de Laſci, and Richard de Burgh. Ibid.

Though

Though the king had consumed in needless expences the sums granted him for the French war, he made that dishonorable expedition a pretence to demand a new aid. The parliament [1] were very unwilling to comply, but however were prevailed with at length by the consideration of his great wants, and granted him a scutage of three marks upon every knight's fee, held of the crown. A. 1231. Subsidy granted the king. T. Wikes.

Shortly after, Richard archbishop of Canterbury complained to the king, that upon the death of the earl of Gloucester, Hubert de Burgh had seized the castle of Tunbridge, though it was a fief of the archbishopric. Henry told him, the wardship of the young earl of Gloucester belonging to him, it was his prerogative to dispose of it to his justiciary, during the heir's minority; adding, he thought it very strange that he should call his right in question. This answer not satisfying the archbishop, he excommunicated, without distinction, all such as wrongfully detained the church's lands, and immediately departed to carry his complaints to the pope. Disgust of the archbishop of Canterbury M. Paris, p. 368. M. West. He goes to Rome.

About the same time, Prince Richard, the king's brother, married the countess dowager of Gloucester, sister of the earl of Pembroke, who died soon after his sister's marriage. He left his whole estate by will, to Richard his brother, who was still in Bretagne, where he did the state signal services. A three months truce giving him leisure to return into England, he demanded his brother's inheritance, seized by the king. Henry wanting an excuse to enjoy the profits, answered, That he heard his brother's widow was with child, and therefore could not dispose of the inheritance till she was delivered. But as he knew the falsehood of this, he sought a more plausible pretence. He charged Richard with holding correspondence with France whilst in Bretagne, and without suffering him to vindicate himself, commanded him to depart the kingdom within fifteen days. It was shocking to an English earl to see himself treated in this manner: but it was still more so to the son of that earl of Pembroke, who had set the crown on the king's head, and established him in the throne in spite of his enemies. Richard indeed quitted England, but it was to pass into Ireland, where he took possession of the castles and lands belonging to his family. Which done, he levied troops, and made himself amends out of the king's demesns, for what was unjustly detained from him in England. Whether Henry dreaded the consequences of this revolt, or was made sensible Prince Richard's marriage. M. Paris. M. West. An. Waverl. Death of the earl of Pembroke. The king defrauds his brother of the inheritance. M. Paris, p. 369. He revenges himself on Ireland. The king gives him his estate.

1 Which met at Westminster, Jan. 26. Id. p. 367.

fible that the injuftice done the earl was too manifeft to be maintained, he recalled him from banifhment, gave him poffeffion of his eftate, and invefted him with the office of earl-marfhal, enjoyed by his brother. It was the temper of this prince, to behave haughtily to fuch as he thought unable to refift him, and to yield on a fudden to thofe that oppofed him.

Henry makes war with the Welfh, but to little purpofe. M. Paris, Act. Pub. T. i. p. 318, &c.

Lewellyn prince of Wales having lately made fome incurfions into the borders of England, Henry let him proceed for fome time. But when he thought the Welfh prince no longer expected to be attacked, he refolved to go in perfon and chaftife him [k]. However, upon the firft refiftance his warlike ardor abated, and he returned without effecting any thing.

Several matches propofed come to nothing. Act. Pub. T. i. p. 271, 273, 275, &c.

P. 293.

M. Paris, M. Weft.

P. 310, &c.

Though Henry was now in the twenty-fifth year of his age, he had been forced to live unmarried, becaufe all his projects on that account had mifcarried. His firft defign was to efpoufe Yolante, daughter of the duke of Bretagne, to whom he was engaged by oath. But whether the pope refufed a difpenfation, or for fome other reafon, the defign was not executed. A match was likewife propofed between him and the duke of Auftria's daughter, but with no better fuccefs. Some time after, he wrote to the archbifhop of Cologne, to impart to him his intent of entering into a ftrict alliance with the empire, by marrying the daughter of the king of Bohemia. But we don't find the affair was carried any farther. He had alfo the mortification to be difappointed this year, in his defign of efpoufing the fecond daughter of the king of Scotland, fifter of the jufticiary's wife. The jealoufy of the Englifh barons put a ftop to this marriage. As they could not bear to fee the king married to the younger fifter of the wife of one of his fubjects, they were fo urgent with him to divert him from it, that he did not think fit to conclude an affair, which met with fo ftrong an oppofition. I fhall add here, to avoid mentioning it elfewhere, that, four years after, he would have married the daughter of the earl of Ponthieu; but this project, like the reft, came to nothing. Though he was contracted to her, and ambaffadors were difpatched for the pope's difpenfation, he altered his mind whilft they were on the road, and fent them orders not to fpeak of the affair.

[k] He affembled a large army at Oxford in July, when Lewellyn was excommunicated: From thence he advanced as far as Hereford, and caufed Maud [illegible] in Radnor [illegible] to be rebuilt. He returned [illegible] Oxford [illegible]. M. Paris [illegible]

The

The archbishop of Canterbury so effectually pleaded his cause at Rome, that he obtained an order from the Pope, to take possession of the castle of Tunbridge during the nonage of the earl of Gloucester. But he could not reap the benefit of this favour, death seizing him as he was returning to England. When the monks of St. Augustin heard the news, they forthwith elected the bishop of Chichester [l] chancellor of the kingdom. The king confirming their choice, invested the prelate with the temporalities of the archbishopric. But the archbishop elect could never obtain the pope's confirmation, to whom it was represented [m] that he was too much a courtier. This single reason was sufficient to induce the pope to void the election, and order the monks to chuse a person more devoted to the holy see.

Death of the archbishop of Canterbury. M. Paris, p. 370. M. West. An. Waverl.

An election confirmed by the king and annulled by the pope. M. Paris, p. 371.

In the beginning of the year 1232, Henry called a parliament [n], of whom he demanded an aid, to enable him to pay the debts contracted by his late expedition into France. The earl of Chester replied, in the name of all the barons, that they had assisted him not only with their money, but also their persons, and therefore owed him no further aid. The clergy, who were no better inclined to the king, desiring time to consider of the matter, the parliament was prorogued till Easter.

1232. The king demands a subsidy, but is refused. M. Paris. M. West.

Besides that the king had made an ill use of the aids granted him by the parliament, he gave the clergy, nobility, and people, another and no less grievous cause of discontent. They saw, the king openly favoured the usurpations of the court of Rome, and by an affected connivance, suffered the pope to trample daily upon the rights of the church and the kingdom. The popes, not contented with exacting from time to time on divers pretences, large sums from the clergy, were manifestly aiming at getting into their hands the collations of all the vacant benefices and consequently the rights of the patrons were going to be quickly abolished. Moreover, the conferring of almost all the benefices upon Italians, or other foreigners, could not but very much incense the English. This disgust was carried so far, that above fourscore persons of quality entered into a confederacy to dispossess the Italian ecclesiastics of whatever they held in

Confederacy against the foreigners. Matthicks. M. Paris. p. 371, &c.

[l] Hugh de Neville.

[m] By Simon de Langton, who added, that he was concerned and hated; and what was more, if he should be promoted to this dignity, would cause the kingdom to shake off the papal yoke. M. West.

[n] Which met at Westminster, March 7. M. Paris.

England. The confederates having choſen Robert de Twenge [o] for their leader, forcibly entered ſeveral houſes of theſe foreigners, and carrying away what things of value they met with, diſtributed them to the poor. This was done with ſo little noiſe, that not a man ſtirred, either to oppoſe or puniſh the authors. But the pope, who was ſoon informed thereof, wrote ſo ſevere a letter to the king, that to judge by the contents, one would have thought the church had received a mortal wound. Beſides, without conſidering that the laws and cuſtoms of England required a previous proceſs and examination of matters, he commanded the king to puniſh immediately the diſturbers of the church's peace, upon pain of excommunication and interdict, if he deferred a moment the chaſtiſement of the guilty. Theſe threats obliging the king to iſſue out orders to make ſtrict enquiry after the authors of this violence, he found there were more perſons concerned in it than he imagined, and that the biſhops themſelves were in the plot, or had countenanced it by their [illegible]. However, for the pope's ſatisfaction, the chief leader of the confederates was apprehended and ſent to Rome, purſuant to his holineſs's orders. Some ſheriffs and other officers were impriſoned for neglecting to ſuppreſs the riot. In all likelihood, the number and quality of the parties concerned, prevented any farther proſecution of the affair [p].

Act. Pub. T. i. p. 322.

M. Paris.

Another election of an archbiſhop voided by the pope. M. Paris.

During theſe tranſactions, the monks of St. Auguſtin having elected another archbiſhop, according to the orders they had received, and their choice not being more agreeable to the pope than the former, they were injoined to proceed to a third election.

Diſgrace of Hubert. An. Waverl.

How great a calm ſoever there ſeemed to be for ſome years in the king's court, a ſtorm was ſecretly gathering againſt the juſticiary, which proved the more fatal to him, as he was not prepared for it. Ever ſince the king was perceived capable of entertaining ſuſpicions of his favourite, the enemies of Hubert had not ceaſed to do him ill offices. Their project was ſo well managed, that the king was perſuaded to recal the biſhop of Wincheſter to court, and make him one of his counſellors. This prelate had no ſooner the king's ear, but he laboured inceſſantly the ruin of the favourite, being ſenſible, his own ſafety depended on the downfal of his ri-

[o] A knight in the north of England. He declared, the reaſon of his ſtirring was, becauſe the pope attempted illegally to deprive him of the patronage of a church, which was the only one he had. M. Paris.

[p] M. Paris ſays, Hubert de Burgh had granted them the king's letters patents, as well as his own.

val.

val. As he earneſtly ſought all occaſions to compaſs his ends, an opportunity ſoon offered, which he failed not to improve. The prince of Wales having made without oppoſition ſeveral incurſions into England, the biſhop of Wincheſter repreſented to the king, how great a reproach it was, that ſo deſpicable a people as the Welſh ſhould thus plunder his ſubjects, and no endeavours be uſed to prevent it. The king replied, "He was ſo far from having money to undertake a "war, that his treaſurers had even told him, his revenues "would ſcarce ſuffice for the neceſſary expences of his fa-"mily." Theſe words furniſhed the biſhop with what he wanted, namely, a pretence to blame the conduct of the prime miniſter. He told the king, "The want he complain-"ed of proceeded from the ill-management of the treaſury. "That the perſons through whoſe hands the money paſſed, "were not called to an account. That the wardſhip of "minors was continually given to private perſons, without "any benefit to the exchequer. That he received no profit "from the revenues of the vacant benefices, or from the "lands which by death or confiſcation fell to the crown." He added, "That by theſe means the kings his predeceſſors "were apt to fill their coffers, and conſequently ſtood not "ſo much in need of parliamentary aids, but lived in a "greater independence." Henry taking advantage of this advice, called all his ſheriffs, and ſuch as had the management of the treaſury, to account, and made Peter de Rivaulx, the biſhop of Wincheſter's nephew [a], treaſurer of his chamber. This was only a trial of the biſhop's credit, to pave the way to the execution of his main deſign. Theſe changes were followed by ſome others, tending to remove from court the creatures of the juſticiary, whoſe intereſt viſibly decreaſed, as his rival's gained ground. In ſhort, the biſhop knew ſo well how to manage the king, that he cauſed Segrave his principal confident, to be promoted to the office of juſticiary, in the room of Hubert, who was turned out, though he had a patent for that dignity during life.

M. Paris.

Hubert turned out, and Segrave put in his room. M. Paris.

It ſeldom happens that a favourite falls eaſy. The hatred of the prince is proportionable to his paſt affection; the former of theſe two paſſions hardly ever failing to be as violent as the latter. Princes generally act on theſe occaſions from a principal of pride, very often to themſelves unperceiveable. As their love cools, they endeavour to juſtify their inconſtancy, and frequently upbraid the favourite for the very thing

[a] Or ſon, as M. Paris owns, p. 376.

which before was the cauſe of their affection. Of this we have a remarkable inſtance in the ruin of Hubert de Burgh. Never had a favourite a greater aſcendant over his maſter. His counſels, which flattered all the king's paſſions, were regarded, whilſt in favour, as ſo many oracles. But when the king had entertained a prejudice againſt him, he conſidered his former advices as ſo many treacheries. Indeed it would be difficult to vindicate all the actions of this favourite. But, very probably, among the things laid to his charge, there were many falſe imputations. Be this as it will, a few days after his removal, the king ſent for him, and required him to give an account of all the money that had paſſed through his hands[1]; which being very hard to do, Hubert endeavoured to be excuſed. He produced king John's charter, declaring he was ſo well ſatisfied of his faithfulneſs, that he diſcharged him from all accounts. The biſhop of Wincheſter replied, the charter might be valid as to what paſſed in the late reign, but was of no force to exempt him from giving an account of his adminiſtration during the preſent. He added, this was not the only thing he was charged with: that he was accuſed moreover of ſeveral crimes, and particularly of having given the king pernicious counſels, to the great prejudice of his and the kingdom's affairs. Hubert perceiving by theſe accuſations that his ruin was reſolved, deſired time to give in his anſwer, which could not be refuſed him. For the biſhop of Wincheſter, who ſtood in need of the barons to condemn him, durſt not diſoblige them, by denying Hubert a privilege common to him with all the peers of the realm. It may be they would have made it their own cauſe, if the court had perſiſted in denying his requeſt.

The king orders Hubert to give in his accounts. Hubert endeavours to evade it. ibid. M. Weſt.

Whether Hubert was conſcious of his guilt, or deſpaired of vindicating his innocence before judges ſeveral of whom were his profeſſed enemies, inſtead of appearing on the day appointed, he took ſanctuary in the priory of Merton, from whence he hoped none would dare to force him. Some time after, the parliament being met at Lambeth, an aid of the fortieth part of the moveables of the whole nation was granted to the king[2]. Which done, the lords petitioning that

Violence of the king againſt Hubert. ibid. An. Waverl. T. Wikes.

[1] Of which we have theſe particulars in M. Paris: 1. The monies paid into the Exchequer. 2. His demeſnes in England, Wales, Ireland, and Poictou. 3. Liberties in foreſts, warrens, eſcheats, wardſhips, &c. 4. The fifteenths, ſixteenths, and other aids, paid into the Exchequer. 5. Preſents for dealing from his right in lands or moveables. 6. Things loſt by his negligence. 7. Waſtes, occaſioned by war or otherwiſe. 8. The revenues of vacant biſhoprics, &c. 9. Marriages, Carriages, &c. aids, iſſues of wardſhips, &c. 10. Fines for marriages of heirs, &c. p. 336. See above, p. 211, 243, 247. &c.

[2] For the payment of the debt he owed the Duke of Bretagne. M. Paris.

Hubert de Burgh's trial might proceed, he was ſummoned to appear, but refuſed to obey. Upon which the king, who was of a violent temper, commanded the mayor of London to force him from his ſanctuary, and bring him dead or alive. The citizens very joyfully embraced this opportunity of being revenged upon Hubert, for whom they had entertained a mortal hatred ever ſince his ſeverity in the affair of Conſtantine. They immediately flocked together to the number of twenty thouſand, with a reſolution to execute the king's orders without mercy. Mean time, ſome of the chief citizens dreading the conſequences of ſo raſh an order, went and adviſed with the biſhop of Wincheſter, who told them, let what would follow, the king muſt be obeyed. But the remonſtrances of the earl of Cheſter to the king himſelf had a better effect: he repreſented to him, that ſuch a tumultuous aſſembly might be very dangerous, and raiſe in the city a ſedition which might not be eaſily appeaſed. Moreover he intimated, that ſo violent an action would be blamed by all the world, and eſpecially by foreigners, who, not being prejudiced like the Engliſh againſt the party accuſed, would think it very ſtrange he ſhould be thus treated, ſince other means were not wanting to puniſh him, if he were guilty. In fine, he put him in mind of the pope's reſentment, who would never ſuffer the ſacredneſs of the ſanctuary to be violated with impunity [t]. Henry being prevailed with by theſe reaſons, ſent a countermand to the mayor of London, who found it very difficult to diſperſe the mob.

Of all Hubert's friends during his proſperity, there was but one left that ventured to ſpeak in his behalf; this was the archbiſhop of Dublin, who by his ſollicitations obtained of the king, that he would grant Hubert a longer time to prepare his anſwer. In the interim, Hubert coming out of his ſanctuary to viſit his wife at St. Edmundſbury, the king, who had notice of it, cauſed him to be purſued by ſome ſoldiers, who found him in a ſmall chapel [u], where he had taken refuge, with the croſs in one hand and the hoſt in the other, both which being violently wrung from him, they tied his feet under his horſe's belly, and in that ignominious manner conducted him to the Tower of London. All churches, as well as what belonged to them, being in thoſe days ſo many ſanctuaries, not to be violated without puniſhment, the king's

Hubert is dragged by force out of a church. Mat. Paris. M. Weſtm.

[t] Two eminent citizens of London, Andrew Buckerel and John Travers, went alſo to the biſhop of Wincheſter, at his houſe in Southwark, and remonſtrated to him the ill conſequences of ſuch proceedings. Mat. Paris.

[u] At Brentwood, in Eſſex.

Mat. Paris. p. 379. attempt alarmed the whole body of the clergy: the biſhop of London was no ſooner informed of the matter, but he went to the king, and declared he would excommunicate all thoſe that directly or indirectly were concerned in the breach of the church's privileges. The king being terrified at theſe threats, ordered Hubert to be ſent back to the chapel from whence he was forced, but commanded withal the ſheriffs of Hertford-ſhire and Eſſex, upon pain of being hanged, to guard the church ſo ſtrictly, that the priſoner might neither eſcape, nor receive victuals from any perſon. The archbiſhop of Dublin perceiving his friend could not remain long in this ſituation, interceded for him once more, and intreated the king, with tears in his eyes, to tell him what he deſigned to do with the priſoner. Henry replied, he intended to have him condemned for a traytor, unleſs he would own himſelf guilty, and abjure the kingdom for ever.

He is ſent back.

The archbiſhop of Dublin in vain intercedes for him. Mat. Paris.

He is confined in the Tower. Ibid.

Hubert thinking this condition too hard, voluntarily yielded himſelf to the ſheriffs, who carried him to the Tower fettered and chained, amidſt the ſhouts of the populace, who took a pleaſure in inſulting over his diſgrace.

The king relents. Ibid. M. Weſtm. Brady's Appendix, p. 152.

But whilſt he was anxiouſly expecting the threatened ſentence, his affairs began to have a new face, by the fickle temper of the king, who could not long continue in the ſame mind. Two things farther contributed to this change; firſt, the death of the earl of Cheſter [w], profeſſed enemy of Hubert, though he diſapproved of the illegal ways the king would have taken to deſtroy him: ſecondly, a large ſum of money lodged by the priſoner in the hands of the Knights Templars, and readily delivered by him to the king upon demand. Thus Hubert ſaw the king's anger cool by degrees, when he expected to feel the moſt terrible effects of his diſpleaſure. This ſudden change alarmed the biſhop of Wincheſter, who dreading the revival of the king's affection for his old miniſter, made a freſh attempt to complete the deſtruction of his formidable rival. He took occaſion from the money lodged with the Templars, to accuſe him of fraud and rapine, alledging it was impoſſible to heap up ſuch immenſe riches by lawful means. This charge was ſupported by all Hubert's adverſaries, who ſeeing the king began to relent, came in a body and petitioned his death. But the king reſolutely anſwered,

The biſhop of Wincheſter tries to ſtir him up afreſh. Mat. Paris. p. 381.

[w] He died October 28. at Wallingford caſtle, without iſſue, and was ſucceeded in the earldom of Cheſter by his nephew John, ſon to earl David, brother of the king of Scotland; in the earldom of Lincoln by John de Lacy, another nephew of his; and to William d'Albiney, earl of Arundel, there fell, by his death, an eſtate of five hundred pounds a year. Mat. Paris.

he

he would never consent to the death of a person from whom himself and his father had received such signal services [x]. He ceased therefore his prosecution, and leaving him in possession of his estate of inheritance, and of such lands as he had purchased with his own money, was contented with depriving him of the rest. As soon as it was known how the king stood affected, some of the lords [y], who till then had not dared to speak for Hubert, solicited the king in his behalf, and so far prevailed, that he was sent to the castle of the Devizes, till it should please the king to dispose of him otherwise. Thus ended this affair, which had made so much noise, to the great grief of the bishop of Winchester, who expected Hubert would not have come off without the loss of his head.

Hubert is sent to the Devizes.

John Blund, professor of divinity at Oxford, being elected archbishop of Canterbury, immediately set out for Rome, with the king's licence, to obtain the pope's confirmation [z].

A fourth election of an archbishop. Mat. Paris.

It seemed that Hubert's disgrace should have obliged the new ministers to keep within the bounds of moderation and behave gently to the English; but, contrary to every one's expectation, it had quite another effect. Instead of taking a different course from that of his predecessor, the bishop of Winchester thought only of governing with an absolute power, and withal to screen himself from the plots of those that should oppose his designs. He intimated to the king, "That among the barons there were few really devoted to "his service, and that their sole aim was to make themselves "independent:" adding, "It was absolutely necessary to "think of means to repress their insolence: but it would be "almost impossible to succeed, whilst they were in a man-"ner masters of the kingdom, by having in their hands all "the places of trust and profit; in a word, whilst they pos-"sessed what might most encrease their audaciousness: that "their power therefore was to be undermined by degrees, "by turning them out of their posts, offices and governments, "which might be conferred upon foreigners, who should be "invited into England, to the end the king might rely on

1233. The bishop of Winchester forms the project of governing absolutely. Ibid.

[x] Adding, he had rather be reckoned a weak and easy-natured prince, than a cruel and bloody tyrant. Id. p. 381.

[y] Richard earl of Cornwal, the king's brother, Richard earl marshal, and William earl of Ferrars, became sureties for his good behaviour. Ibid.

[z] Rapin by mistake calls him Richard. About this time was collected the fortieth part of all goods, lately granted by parliament. The form of the commission to the sheriffs, and the manner how it was to be levied and collected, is to be seen in Mat. Paris, p. 380. under the year 1232. to which the curious reader is referred. The Annals of Waverley say, that every body paid, who had goods above the value of eleven pence, p. 194.

"their

" their aſſiſtance in caſe of neceſſity: that the ſtrong places and " poſts which gave moſt credit and authority with the people, " being in the hands of ſuch as were by gratitude and in- " tereſt devoted to the king, it would be in vain for the Eng- " liſh barons to attempt the re-eſtabliſhment of their pretend- " ed rights." This advice, ſo conformable to the king's inclinations, could not but be very agreeable, and therefore was immediately put in practice. Quickly after were ſeen to arrive above two thouſand knights, Gaſcons and Poictevins, whom the biſhop of Wincheſter, their countryman, and Peter de Rivaulx his ſon, who paſſed for his nephew, had ſent for. Theſe ſtrangers not only were promoted to the moſt conſiderable poſts and governments, but moreover had the wardſhips of the young nobility committed to them by the king. By that means they procured one another very advantageous matches, to the great detriment of all the noble families. This proceeding very much exaſperated the barons, who plainly ſaw the conſequences. Beſides, they could not bear to ſee themſelves removed from places and poſts, to which they had a right to pretend, whilſt the king laviſhed his favours on foreigners. But the biſhop of Wincheſter prevented their murmurs from reaching the ears of the king; or, if he could not avoid it, had the addreſs to hinder their making any impreſſion on his mind.

He brings into England great numbers of Poictevins. Ibid. M. Weſtm.

Richard earl of Pembroke firſt ventured openly to complain of theſe proceedings. He boldly repreſented to the king, that in placing his whole confidence in ſtrangers he ſo alienated the affection of his ſubjects, that in the end their diſcontent muſt be attended with fatal conſequences. He plainly told him, in caſe he continued thus to prefer the foreigners before the Engliſh, the barons would be forced to ſeek means to clear the kingdom of theſe blood-ſuckers. The prime miniſter, who was preſent, did not give the king time to reply: he told the earl, his inſolence deſerved correction, in thus pretending to abridge the king of the liberty of employing whom he pleaſed for the defence of his crown: adding, if the foreigners now in the kingdom were not ſufficient to reduce his rebellious ſubjects to their duty, a greater number ſhould be ſent for. This haughty and imprudent anſwer cauſed a general diſcontent among the barons. From thenceforward they began to withdraw from court, and form a confederacy to check the deſpotic power the king was aſſuming, by the violent counſels of his miniſter.

The earl of Pembroke makes a remonſtrance to the king. Mat. Paris. p. 384.

The biſhop's anſwer exaſperates the barons. Mat. Paris.

Some time after, the king ſummoning a parliament, the barons, purſuant to a reſolution taken among themſelves, refuſed

fused to meet. They were summoned a second time, but to no purpose. At last, being informed that a fresh troop of foreigners were landed in England, to strengthen the court-party, they met in a body to consult together what was to be done. The result of their consultation was to send deputies to the king, to let him know that if he removed not from his person and councils the bishop of Winchester and the Poictevins, they were resolved to place on the throne a prince, who should better observe the laws of the realm. So formal a declaration furnishing the prime minister with a plausible pretence to exasperate the king against the barons, he omitted nothing to induce him to use the most violent measures to reduce them to obedience. Henry blindly giving himself up to the guidance of the bishop, began to practise this advice with compelling some of the lords to deliver their children as pledges of their allegiance [a]. After that, he prepared, very unadvisedly, to prosecute by arms such as refused to submit. When he thought himself in a condition to make himself feared, he called a parliament, with design to cause the most obstinate to be condemned. The barons obeyed the summons indeed, but came so well attended that they were in no danger of violence. The earl of Pembroke was on the road, in order to be present with the rest, imagining it was not in the king's power to have any thing passed to his prejudice. But upon notice [b] that the court designed to take a speedier and surer course, he turned back and retired into Wales. The precautions of the barons breaking the king's measures, he prorogued the parliament, lest what he had projected should fall on himself. His design of causing the parliament to proceed against the barons not succeeding, he resolved to act with open force. To that end he summoned all the vassals of the crown to meet him with their troops at Glocester; but the earl of Pembroke and some others did not think proper to obey. Their refusal furnishing him with a plausible reason to attack them, he ordered their estates to be plundered, their parks to be destroyed, their houses to be pillaged, and their spoils to be distributed among his Poictevins. If the barons had held together, the king would never have ventured to proceed to such violence: but dissention arising among them,

They refuse to meet in parliament; Mat. Paris. p. 386.

and threaten to elect another king.

Henry undertakes to reduce them by force. Mat. Paris.

The earl of Pembroke enters into Wales. Ibid.

The king treats the barons roughly. Mat. Paris.

a He vented his anger against Gilbert Basset by stripping him of the honor of Netheravon, in Wiltshire, conferred upon him by king John; and when Gilbert came to demand restitution, he called him traitor, and said, if he would not forthwith depart, out of his [illegible] he would have him hanged. He [illegible] to be apprehended for marrying [illegible] without his leave. Mat. Westm.

b He received the information from his brother [illegible], earl of Cornwall. Ibid.

some

ſome broke the confederacy [c], and left the reſt expoſed to the king's reſentment. The earl of Pembroke perceiving himſelf too weak to reſiſt, after being deſerted by the greateſt part of his aſſociates, applied to Lewellyn prince of Wales, who granted him his protection and aſſiſtance.

The earl of Pembroke leagues with the prince of Wales.

Mean time, Henry having received a freſh ſupply of Poictevins, marched as far as Hereford, with deſign to ſeize the earl of Pembroke's caſtles in that county: but his ardour quickly abated, by the reſiſtance he met with from the firſt caſtle he beſieged. As he was loſing his time before the caſtle, he bethought himſelf of a device, which ſucceeded: he feigned to be willing to refer the deciſion of his quarrel with the barons to the parliament, which was to meet in October: nay, he gave his royal word that he would conſider of their complaints; and as his paſt conduct had rendered his word doubtful, ſome of the biſhops became ſureties for the performance of his promiſes. Then he required the caſtle he was beſieging to be ſurrendered to him, promiſing to reſtore it to the earl of Pembroke within fifteen days. The conditions being approved of, the caſtle was delivered to the king; but when the fifteen days were expired, he laughed at the earl's credulity, and refuſed to ſtand to his engagement. Such were the inſtructions taught him by the biſhop of Wincheſter; I mean, not to value the breach of his faith, and to behave ſo as to oblige his ſubjects to require pledges for the performance of his word.

The king beſieges one of his caſtles in vain.

He propoſes an accommodation; * Id. p. 381.

* and breaks it.

The parliament make remonſtrances to him. Mat. Paris.

The parliament meeting on the 9th of October, as was agreed, the king was earneſtly entreated by all the lords to replace his confidence in his ſubjects. It was remonſtrated to him, that the adminiſtration of the public affairs belonged more naturally to the peers of the realm than to foreigners, and that he could not prefer ſtrangers without wronging his barons: above all things, he was deſired not to introduce the pernicious cuſtom of treating as rebels and traytors thoſe that were not legally condemned. The biſhop of Wincheſter, who on ſuch occaſions never failed to anſwer for his maſter, replied ſo as plainly ſhewed what maxims he inſtilled into the young king. He told them, the peers of England were very arrogant to put themſelves upon a level with the peers of France, when there was a wide difference between the one and the other: adding, it was a notorious encroachment upon the royal prerogative, to pretend to deprive the king of the

The imprudent anſwer of the biſhop of Wincheſter. Id. p. 389.

[c] Richard earl of Cornwal forſook the earl of Pembroke; and the earls of Cheſter and Lincoln were bought off from him with a ſum of money, by the biſhop of Wincheſter, viz. one thouſand marks. Mat. Paris.

right of making use of what judges he pleased to punish the disobedient. Upon these words, which contained maxims so destructive to liberty, the bishops unanimously threatened the prelate with excommunication. But he despised their menaces, alledging he was not subject to their jurisdiction as having been consecrated by the pope. However, lest this reason should be deemed too light, he appealed beforehand to his holiness from the sentence of the bishops. Appeals to the court of Rome were then so sacred, that the bishops not daring to excommunicate him by name, were contented to dart their thunders in general, upon all those who alienated the king's affection from his natural subjects.

The bishops threaten to excommunicate him. Ibid. He appeals to the pope.

Mean time, the earl of Pembroke finding all his instances for the restitution of his castle were fruitless, besieged and took it in a few days. Upon news thereof the king fell into a great fury with the earl, and commanded the bishops to excommunicate him; but he had the mortification to be denied: they told him, they did not see lawful cause to excommunicate the earl, who had only recovered his own right, and what the king promised to restore. Henry, not being able to prevail with the bishops, resolved to take up arms again and revenge this affront. For that purpose he summoned all the lords to meet him at Glocester with horse and arms the day after All Saints. When his army was ready, he marched into Wales, but was no sooner there than he found himself in extreme want of provisions and forrage, the earl of Pembroke having laid waste all the places through which the royal army was to pass. This disappointment obliging him to alter his course, he entered Monmouthshire, where he staid some time to give orders for the subsistence of his army. Mean while, the earl of Pembroke understanding that the king and most of the general officers were lodged in the castle of Grosmont, whilst the army was quartered without in tents, attacked the camp by night, and put the whole army to rout. This accident so confounded the king, who lost in the action five or six hundred horses [d], with almost all his baggage, that though his army was superior to the earl's, he retired to Glocester [e]. Pembroke, upon the earl's retreat, resolved to besiege the castle of Monmouth, commanded by Baldwin de Guisnes, a Flemish officer of great reputation. Baldwin, not questioning but the earl would approach with a few soldiers to take

The earl of Pembroke retakes his castle. Mat. Paris. The bishops refuse to excommunicate him. The king marches against him. His army surprized, and routed. Mat. Paris. p. 389.

d This happened on November 12. The earl would not suffer any of the king's soldiers to be taken or slain, by which means only two (and they by their own faults) fell by the sword. Ib.

e But left John of Monmouth and Ralph de Thony, to [illegible] the enemy's progress. Ibid.

a view

The earl taken prisoner, and rescued again. Id. p. 390.

a view of the castle, laid an ambush for him, which surrounding him on a sudden, took him prisoner. This accident would doubtless have proved the ruin of the earl and his whole party, if luckily, as he was carried to the castle, Baldwin had not been desperately wounded by an arrow. His wound obliging his men to halt, in order to assist him, the earl's army had not only time to rescue their general, but likewise to kill or take prisoners all that came out of the town.

Hubert escapes, and flies to a church. M. Paris. p. 388. M. West. An. Waverl. T. Wikes.

Whilst these things passed in Wales, Hubert de Burgh was contriving means to free himself from a new danger which hung over his head. He had received notice that the bishop of Winchester intended to make away with him, and to compass his ends the more easily, had earnestly desired of the king the custody of the castle of the Devizes. Hubert's danger obliging him to endeavour to avoid it, he was so fortunate as to gain some of his guards, who gave him an opportunity to escape, and take refuge in a neighbouring church. When his escape was known, the governor ordered him to be pursued by some of the garrison, who [illegible] him before the altar, dragged him thence with great violence and brought him back to the castle. If he had been taken any where but in a church, few would have concerned themselves about it. But the breach of the privilege of sanctuary appeared to the clergy of so dangerous a consequence, that the bishop of Salisbury made it his own cause; for this outrage was committed in a church within his diocese. He forthwith repaired to the Devizes, and tried to persuade the governor to send back the prisoner to the place from whence he was taken. His sollicitations proving ineffectual, he excommunicated the whole garrison, and immediately carried his complaints to the king. He was assisted by the bishop of London and some other prelates, who were so urgent with the king, that he ordered the prisoner to be sent to his sanctuary. But this favour was of little benefit to Hubert, since withal the king commanded the sheriff of the county to prevent any one from bringing him victuals. However, on the morrow he was rescued by a troop of armed men, who afforded him means to make his escape into Wales, where he joined the earl of Pembroke.

He is dragged thence; and sent back again.

He is rescued. M. West.

The pope annuls the fourth election of an

The election of John Blund to the see of Canterbury, not meeting with approbation at Rome[1], the pope declared it void. But for fear the monks should mistake again, he

[1] Either, because he had received a thousand marks from the bishop of Winchester, or, because the same bishop had writ to the emperor, to use his interest with the pope, that his election might be approved of. M. Paris.

empowered

empowered them to chuſe Edmund, canon of Saliſbury. archbiſhop. M. Paris. p. 385. M. Weſt.
Thus by degrees the popes became maſters of the elections of the archbiſhops of Canterbury by annulling them, till thoſe they intended to favour were choſen.

After the king's retreat, the earl of Pembroke continued his progreſs and daily gained ſome advantage. In the beginning of the year 1234, he defeated a ſmall army commanded by John de Monmouth, who thought to ſurprize him, but was himſelf ſurprized. After this victory, he ravaged the lands of the king's counſellors [g], lying in the marches of Wales, and burnt the town of Shrewsbury, whilſt the king, who was ſtill at Gloceſter, durſt not take the field. Inſtead of oppoſing the earl's progreſs, he thought himſelf unſafe at Gloceſter, and therefore ſhut himſelf up in Wincheſter, leaving the counties near the Severn to the mercy of the enemy. Several biſhops and others adviſed him to make peace with the earl. But this weak prince, ſuffering himſelf to be entirely governed by the biſhop of Wincheſter, refuſed to hearken to any accommodation, unleſs the earl of Pembroke would come and throw himſelf at his feet [h], and declare himſelf a traytor. It was difficult to bring the earl to ſubmit to theſe hard terms: and it was no leſs ſo, to compel him, ſince the king had not the leaſt hopes of obtaining any aids from the parliament, to continue a war ſo diſagreeable to all. But the biſhop of Wincheſter had an expedient, of which he did not think fit to inform the king. As the council conſiſted only of his creatures, it was eaſy to engage them in a means uſed by him to execute his deſigns. He cauſed to be directed to the king's officers in Ireland an order, ſigned by twelve privy counſellors, to plunder the eſtates of the earl of Pembroke, and to take him dead or alive, if he ſhould come into that country [i]. To this order was added a promiſe, in the king's name, of the earl's confiſcated lands in Ireland, if they would faithfully execute what was enjoined them. The governors of Ireland, allured by ſuch a bait, promiſed to uſe their utmoſt endeavours, to content the king. But they willed to be ſecured by a charter in form of what was pro-

1234. Progreſs of the earl of Pembroke. M. Paris. p. 394. An. Waverl. T. Wikes.

The biſhop of Wincheſter's plot againſt the earl of Pembroke. M. Paris.

[g] He, and his aſſociates, made it a rule, not to plunder the lands of any, but the king's evil counſellors, by whoſe means they had been baniſhed. M. Paris. Lewellyn prince of North-Wales joined him, with all the forces he could raiſe. Ibid.

[h] With a halter about his neck. M. Paris.

[i] This order, which is in Matthew Paris, is directed to Maurice Fitz-Gerald, the king's juſticiary in Ireland, to Walter and Hugh de Lacy, Richard de Burgh, and Jeoffray de Paris, with others of the earl's liegemen or feudatries. Ibid.

mised them. The bishop, being too far engaged to recede, caused a charter to be drawn and got it signed by the king, among other papers of little moment. Then, he caused the great seal to be affixed by the chancellor, who probably was in the plot [k]. As soon as the Irish governors received this charter, they began to execute the order. They levied an army on some pretence, and entring the lands of the earl of Pembroke committed great outrages in order to draw him into Ireland. This artifice had all the success the bishop of Winchester expected. Pembroke, exasperated at the injuries done him in Ireland, immediately repaired thither with design to take vengeance of those who thus wantonly attacked him. But instead of being revenged, he was basely betrayed by pretended friends, who engaged him in a battle where he lost his life, by a stab in the back with a dagger [l].

M. West.

The earl is killed. M. Paris. p. 400.

Whilst the bishop of Winchester was thus using the king's authority without his knowledge, to free himself from his enemies, the new archbishop of Canterbury was secretly labouring to undermine him. This prelate out of zeal for the good of the publick, and for the king himself, never ceased representing, that it was his interest to remove from his person a minister so odious to all his subjects. He intimated to him, that the foreigners who alienated his people's affection, would infallibly prove one day the cause of his ruin. His instances were so urgent, that at length Henry's eyes were opened, and he seemed wholly disposed to reform his conduct. The first effect of this change was the disgrace of the prime minister, who had express orders to return to his diocese. After that, Peter de Rivaulx, the treasurer Segrave, the justiciary Robert de Passelew and all the rest of the favorite strangers, promoted by the bishop of Winchester to the principal posts in the state, were shamefully turned out. At the same time they were ordered to give an account of their management, and of all the money that had passed through their hands. The affairs of the court being thus settled, the king sent the archbishop of Canterbury, with the bishops of Chester and Rochester, into Wales, to negotiate a peace with Lewellyn, which they concluded to the advantage of the state.

Disgrace of the bishop of Winchester. M. Paris. p. 396.

The other foreigners, are discarded. M. Paris. p. 397.

Peace with the Welsh.

k M. Paris says, they stole the seal from Ralph bishop of Chichester the chancellor, who was not concerned in this treacherous fraud.

l A parliament was held in February this year at Westminster, and it was during the session, that Edmund archbishop of Canterbury, and several of his suffragans, made that representation to the king, which is related here. See M. Paris, p. 400. There was another parliament held at Westminster, April 9. [illegible]

The

The king's happy change reſtored tranquillity to England, from whence it had been ſome time baniſhed. In all likelihood the kingdom would have recovered its former ſplendor, if the prince who governed it had continued in the ſame diſpoſitions. Mean time, the new miniſters endeavoured to make the king ſenſible of the injury he had done himſelf, in placing his whole confidence in ſtrangers, who had no affection for him or his kingdom. The archbiſhop of Canterbury, who was informed of the particulars of the plot againſt the earl of Pembroke, ſhewed him a copy of the order and charter ſent by the biſhop of Wincheſter into Ireland. Henry, amazed at ſo great a preſumption, proteſted, he had no hand in the matter. Nay, he ſeemed to grieve for the death of the earl of Pembroke, and to be extremely incenſed againſt his miniſters, who had ſo notoriouſly abuſed his confidence [m].

The king informed of the biſhop of Wincheſter's treachery to the late earl of Pembroke. M. Paris. p. 403, 404. M. Weſt.

The day appointed for the old miniſters to give in their anſwers being come, the parties accuſed, who doubtleſs were conſcious they had nothing to ſay for themſelves, choſe to take ſanctuary in churches, under pretence of being juſtly apprehenſive of ſome violence from their enemies. The aim of the new miniſters, being to convince the king of the unfaithfulneſs of the old, they ordered it ſo, that the king removed the pretence for their non-appearance by granting them a ſafe-conduct. Peter de Rivaulx, who appeared firſt, talked in ſo arrogant a manner, and ſo little ſuitable to his condition, that the king not being able to bear his inſolence, ordered him to the Tower. He remained there however but three days, being, by the archbiſhop's advice, ſent back to his ſanctuary. Segrave required a longer time to give in his anſwer, which was granted him upon the archbiſhop's interceſſion. As for the biſhop of Wincheſter, he continued in his cathedral, not daring to truſt to his ſafe-conduct; and it was not thought proper to force him from thence [n].

The old miniſters proſecuted.

They take ſanctuary. M. Paris. M. Weſt.

They have a ſafe conduct. M. Paris.

Whilſt theſe domeſtic affairs were tranſacting, the truce with France being expired, Lewis vigorouſly attacked the duke of Bretagne. According to the rules of good policy this ally ſhould have been powerfully aſſiſted. But Henry was contented with ſending ſixty knights, and two thouſand foot.

1235. The king invades Bretagne. M. Paris.

[m] The king went as far as Gloceſter to meet the archbiſhop of Canterbury, and the reſt that had been to make peace with Llewellyn; and on May 29, reſtored the exiled lords to his favour, namely, Hubert de Burgh, (to whoſe wife he had reſtored eleven-eight manors) Gilbert Baſſet, Richard Sward, Gilbert Mareſcall, the earl of Pembroke's brother, whom he appointed marſhal; and all theſe he nominated for his counſellors. M. Paris.

[n] Hugh de Patſhulle was made juſticiary, in Segrave's room. M. Paris. Ibid.

An aid, ſo diſproportioned to his wants, not being ſufficient to protect him, he ſaw himſelf under a neceſſity of demanding a three months truce. Which however he could not obtain, but on condition, that if within that time the king of England did not come in perſon to his relief, he ſhould ſubmit to whatever ſhould be required of him. During this interval, he uſed his utmoſt endeavours to prevail with Henry to come into Bretagne, but not ſucceeding, he did full homage to Lewis for his territories, which made his ſubjects give him the nick-name of Mauclerc, that is, bad ſcholar °. Thus, by his negligence, Henry loſt an ally, who might have been of great ſervice to him, in his war with France.

Henry neglects to aſſiſt the duke.

1236. In the beginning of the next year, Segrave and Paſſelew, the king's old miniſters, found means to make their peace by a preſent of a thouſand marks each, for which they were diſcharged from further proſecution.

The old miniſters make their peace. M. Paris. p. 409.

Shortly after was ſolemnized the marriage of Iſabella, the king's ſiſter, with the emperor Frederic II p. Though it was not cuſtomary to grant the king an aid for the marriage of a younger ſiſter, the parliament was ſo well pleaſed with his late proceedings, that they granted him two marks on every plough-land.

Henry's ſiſter married to the emperor. M. Paris. M. Weſt.

The biſhop of Wincheſter ſent for to Rome. M. Paris. p. 410.

The biſhop of Wincheſter, who, ſince his diſgrace kept within his dioceſe, departed from thence by the pope's order, who ſent for him to be near his perſon, on pretence he wanted his advice in a quarrel between him and the citizens of Rome. It was not at all doubted, but the pope uſed this expedient to free him from the king's proſecutions, and probably, the prelate paid dearly for this favour. He had to deal with a pope who neglected no opportunity to heap up money. This is evident from a proceeding of his this ſame year. The ten years truce, made by Frederic with the Saracens, being now almoſt expired, he cauſed a freſh cruſade to be publiſhed, as if he intended to make a vigorous puſh to reſtore the affairs of Paleſtine. Upon this news, the zeal of the chriſtians being rouz'd, great numbers took the croſs. But whilſt they were

A cruſade publiſhed. M. Paris.

° It is thus he is ſtiled by the Gaſcons of Bretagne. For though he had ſtudied at the univerſity of Paris, yet it ſeems he had made no progreſs in the ſtudy of politics.

p The king called a parliament to deliberate about the propoſed match; ſee a full account of the whole matter in M. Paris. p. 413 —— 416. —— The emperor ſent by the biſhop of Exeter, who attended the princeſs into Germany, ſeveral preſents to king Henry, and among the reſt three leopards, alluding to "The royal ſhield, on which "are depicted three leopards paſſant:" from which it may be obſerved, that in Henry the IIId's time, the bearing of the kings of England was not three lions, as now, but three leopards. See M. Paris. p. 416. and Selden's notes on Poly-Olbion. Song XI.

preparing

preparing to depart, another bull appeared, to diſpenſe with their going for a certain ſum of money.

England being then in profound tranquillity, Henry took this opportunity to eſpouſe [q] Eleanor, ſecond daughter of Raymond earl of Provence. The nuptials were celebrated with great magnificence and rejoicings, which ſeemed to preſage to the king more happineſs than this marriage was attended with. The ſolemnity of the wedding and coronation of [r] the new queen being over, the king called a parliament at Merton, where divers ſtatutes were enacted, which long remained in force, but are now for the moſt part repealed [s].

The king marries Eleanor of Provence. M. Paris. p. 419. M. Weſt. Hemingford. Ann. Burt.

The war renewed by the king of France, ended with his expedition into Bretagne, without any treaty of peace between the two crowns. Henry, who was not of a martial temper, had done nothing towards continuing it, and the queen-regent of France was very glad not to draw the Engliſh into France, during the minority of the king her ſon.

The French war ends without a truce.

But, though England was not troubled with foreign wars, the kingdom was however diſturbed at home by the diſcontents of the nobility, upon the promotion of a new favourite. This was William of Provence, the queen's uncle [t], elected biſhop of Valence, but not yet confirmed by the pope. This prelate, lately arrived in England, had ſo gained the king's affection, that nothing was done but by his advice, and the adminiſtration of the public affairs was entirely left to him. So great favour was very diſpleaſing to the Engliſh barons, who were reduced to the ſame condition, from whence they thought to have freed themſelves by the expulſion of the Poictevins. At a parliament, aſſembled this year in April, they ſo boldly complained of theſe proceedings to the king, that he thought fit to retire to the Tower, where he would have had the barons to follow him. But finding none came to him, he returned into the city, and endeavoured to ſatisfy them upon ſome of their grievances, in order to induce them

State of the Engliſh court. M. Paris. p. 422.

The parliament complains to the king, who gives them ſome ſatisfaction. M. Paris.

[q] By the advice of his great men. Hemingford.

[r] Matthew Paris has given us a very particular deſcription of the coronation, and what each perſon performed in their reſpective functions, among which is this remarkable paſſage, that the earl of Cheſter, (as lord high conſtable) carried the ſword of St. Edward, called Curteine, before the king, in token "That he is earl of the pa-"lace, and hath by right a power of "reſtraining the king if he ſhould act "amiſs." M. Paris. p. 420.

[s] M. Paris ſays, the ſame day, after the coronation, the king went from London to Merton, a monaſtery in Surry, where he met his great men, and enacted the proviſions of Merton, which are the moſt ancient body of laws after Magna Charta, and divided into eleven articles or chapters. p. 422.

[t] Rapin by miſtake ſays brother. M. Paris.

to overlook what they deemed the principal. He removed several sheriffs who abused their authority, and substituted others in their room. The prince his brother complaining of Richard Sward, for shewing him some disrespect, obtained that Sward should be banished the realm, for his insolence. In short, by some changes at court, to gratify the barons, the king imagined they were pleased. But desiring to remove the bishop of Chichester from the chancellorship, in which he had worthily behaved, he had the mortification to find, he refused to resign it. To justify his refusal, he alledged, "That he had been entrusted with that office by the parliament, and therefore could not quit it but by the same "authority."

M. Paris. p. 429.

The emperor demands the empress's portion. M. Paris. p. 430. M. West.

Though the parliament granted the king a considerable aid, for the marriage of the empress his sister, it appeared the money was not put to that use. For ambassadors from Frederic came to demand the portion promised their master. If people's reflections on this occasion were not to the king's advantage, those they had cause to make soon after upon his inconstancy, were no less prejudicial to his reputation. All on a sudden, when there seemed to be the least reason to expect it, he recalled to court Segrave and Rivaulx, whom a little before he had prosecuted for their misdemeanours. Not content with this, he entirely trusted them again, as if he had reason to be satisfied with their former conduct. These pernicious ministers were hardly restored to their posts, but the ill effects of their counsels on the king's mind were perceived.

The king recalls his old ministers. Id. p. 431.

He would annul all the grants made in his nonage. Ibid.

In a parliament, held this year in June, at Winchester, Henry, by virtue of a bull from Rome, would have annulled all his grants during his nonage, because they wanted the pope's confirmation. This frivolous pretence plainly shewed, how industriously he laboured to enslave himself more and more to the court of Rome, instead of endeavouring to throw off its yoke. A proceeding so directly contrary to the rights and prerogatives of the crown, being looked upon with indignation, the parliament refused to consent to the revocation of these grants, chiefly because of the bull upon which the king's motion was grounded.

He dreads engaging in a war.

As Henry's conduct drew upon him the contempt of his subjects, this contempt proved very prejudicial to him, with respect to foreign princes. They considered him as no formidable neighbour, since he could not be sure of his people's assistance in case of need. On the other hand, his own knowledge how his subjects stood affected towards him, obliged him to use all possible precautions to avoid a war with his neighbours. He chose rather to give way to them voluntarily, than

than involve himſelf in troubles, from which he ſaw he could not free himſelf with honour. For this reaſon he had deſerted the duke of Bretagne, and ſuffered himſelf to be bullied this very year by the king of Scotland, who demanded the county of Northumberland with that haughtineſs as would have met with a mortifying repulſe, had he been to deal with any other prince [u]. But how unjuſt ſoever this pretenſion appeared, Henry made no ſcruple to purchaſe a peace with the yearly penſion of eighty marks, which was ſettled on the king of Scotland. He even took a journey to York, on purpoſe to negotiate this diſhonourable treaty, pretending a fear of the Scots making a league with the Welſh. He feigned alſo to be apprehenſive that Gilbert Marſhall, earl of Pembroke, who had ſucceeded his brother Richard, and married the king of Scotland's ſiſter, would ſeize this opportunity to raiſe commotions in the kingdom.

Makes a diſhonourable peace with the king of Scotland. M. Paris. C. Mailros.

Mean time, as the king daily perceived the great men to be eſtranged from him, and that therefore it would be difficult to raiſe money to fill his empty coffers, he bethought himſelf of an expedient, which he believed could not fail of ſucceſs. He called a parliament, to which all the lords of the kingdom were ſummoned [v], in order to treat about ſome weighty affairs of ſtate. As ſoon as they were met, a certain prieſt, famed for eloquence [x], told the lords, "He was commanded to acquaint them with the occaſion of their meeting." After a ſhort pauſe, he added, "That the king having ſeriouſly reflected on the abuſes crept into the government, was extremely concerned for contributing to the ſame by his negligence and ill conduct: that he acknowledged, with grief, he had made uſe of imprudent and ſelfiſh miniſters, who diſregarding the good of the kingdom, to which they were ſtrangers, had induced him by their pernicious counſels, to do things contrary to the laws and cuſtoms of the realm: that to repair, as far as was poſſible, the evils occaſioned by his own indiſcretion, and the unfaithfulneſs of his miniſters, he was determined to be guided no more by the advice of foreigners, but to commit the adminiſtration of the public affairs to his native ſubjects: that he was perſuaded, they would endeavour to the utmoſt of their power to prevent the oppreſſion of the people, cauſe juſtice and the laws to flouriſh, and reſtore

1237. He calls a parliament, and pretends to condemn his paſt conduct, in order to obtain an aid. M. Paris. p. 345. M. Weſt.

[u] Affirming, that king John had given it him when he married his daughter Joanna. M. Paris.

[v] By his writs, which are the firſt mentioned in the hiſtorians. M Paris. p. 345.

[x] William de Rale. M. Weſt.

" the crown to its former luſtre." After laying theſe foundations, the orator continued, " That the king deſired his " parliament to conſider, that the miſmanagement of his treaſury, and the debts he had contracted, were not the leaſt " of the miſdeameanours his miniſtry might be charged " with: that he hoped they would begin with applying a remedy to this, upon his aſſurance, that he would conſent to " any expedients propoſed for the redreſs of the other abuſes: " that therefore he required an aid anſwerable to his preſent " occaſions, and to ſhew he was in earneſt, he conſented that " commiſſioners ſhould be appointed to take care that the " money ſhould be diſpoſed of for the ſervice of the kingdom." If Henry had been leſs known, this harangue might have had a ſudden effect on the parliament. But as they were too ſenſible to what a height he could carry his diſſimulation, all theſe ſubmiſſive expreſſions were not able to move them. They anſwered, " They had often granted aids " to the king, without ever receiving any mark of his affec- " tion; that ſince his acceſſion to the crown, his dominions " were conſiderably leſſened, though he had frequently ex- " acted from his ſubjects very large ſums, which were only " laviſhed away upon foreigners." To this vigorous anſwer, it was replied from the king, " That his own and his ſiſter's " marriage had entirely exhauſted his treaſure; but if they " would grant him a thirtieth part of their moveables, he " promiſed, upon his honour, never to injure or oppreſs any " baron of the realm." The lords were not prevailed with by this promiſe, which ſeemed to them of little moment, ſince they could not rely upon the king's word. And therefore they replied, they had already granted the king an aid for the empreſs's marriage, but he had diverted it to other uſes; and ſince he had married without aſking their advice, he might defray the expences of his wedding as he pleaſed. This anſwer convincing him, that he wanted a ſtronger engine to wreſt from them the aid he demanded, he attacked them in a more ſenſible part. He promiſed to re-eſtabliſh his father's charters; and to ſatisfy them that he really intended to cauſe them to be obſerved, he ordered the execration formerly denounced by cardinal Langton upon the tranſgreſſors of theſe charters, to be publiſhed in all the churches. In ſhort, to gain them entirely, he added to his council three lords [y] whom he knew to be very acceptable to the nobility. So many advances from

The barons reply.

The king promiſes to cauſe the two charters to be obſerved. M. Paris. P. 456.

[y] The earl of Warren, William Ferrars, and John Geoffrey, who swore they would never be corrupted by gifts to deviate from truth, but would always give the king good and wholſom advice. M. Paris.

a love-

a sovereign, and especially the revival of the charters, had at length the desired effect. The parliament suffering themselves to be deceived by these pretended demonstrations, granted him the aid required[2]. However they clogged it with two not very grateful conditions. First, that, for the future, he should reject the counsels of the foreigners, and adhere to the advices of his subjects. Secondly, that four knights should be chosen in every county to collect and secure the money in some monastery, that it might be restored in case the king should break his word. Notwithstanding this precaution, the money was no sooner raised, but the king seized it and squandered it away in useless expences, even in presents to his favourite foreigners, who remained in his council as before.

The parliament grants a subsidy upon certain terms; Ibid. M. West. T. Wikes.

which the king observes not.

Henry's conduct occasioned such loud murmurs, that prince Richard his brother thought himself obliged to represent to him very strongly, to what danger it would infallibly expose him. But his remonstrances were in vain, Henry preferring the counsels of the foreigners, which were more agreeable to his inclinations. Among those that had the greatest ascendant over the king, history particularly mentions Simon de Montfort, son of the famous earl of Montfort, general of the crusade against the Albigenses. This young man, who for some disgust had left the court of France to make his fortune in England, conformed himself so to the king's humour, that few were in greater favour. I shall have frequent occasion to speak of him, in the course of this reign, under the title of earl of Leicester.

Richard his brother expostulates with him. M. Paris. p. 445.

Simon de Montfort begins to be in favour.

Though Henry little thought of extending his dominion over the neighbouring countries, a happy juncture procured him, before the end of this year, an advantage which the most illustrious of his predecessors had sought in vain. Lewellyn, prince of Wales, grown old and infirm, and finding himself persecuted by his son Griffyn, could think of no better means to secure himself from his rebellious practices, than by putting himself under the king of England's protection, to whom he did homage for his dominions. This proceeding was the more extraordinary, as he himself, as well as his ancestors, had always exerted their utmost to prevent the acknowledging of this sovereignty. If force of arms had at any time compelled

The prince of Wales does homage to Henry. M. Paris. p. 437. M. West.

[2] What persons they were that granted this aid, appears from the record extant in Dr. Brady, viz. the archbishops, bishops, abbots, priors, earls, barons, knights and freeholders, for themselves and their vassals. And it was to be collected from corn, ploughs, sheep, cows, hogs, cart-horses, stods of mares, &c. Brady's Appendix. No. [illegible].

them

them to it, they had always been ready to diſown their ſubmiſſion, when their circumſtances were more favorable.

Arrival of a legate. M. Paris. p. 440.

Whilſt the Engliſh were loudly complaining of being expoſed to the avarice of the king and his foreign miniſters, a freſh cauſe of diſcontent unexpectedly happened by the arrival of Otho the pope's legate, who was come to plunder them of what they had left. The clergy juſtly dreaded theſe extraordinary legateſhips, the ſole aim whereof was to pillage them. The archbiſhop of Canterbury very much blamed the king, for ſuffering the legate to come into the kingdom, without any apparent neceſſity, and without the knowledge of the clergy and parliament. But theſe expoſtulations were in vain. It would not only have been difficult to perſuade the king to ſend back the legate, but it even appeared that he himſelf had privately ſent for him. His view was to ſcreen himſelf, under his protection, from the attempts of his ſubjects. The pope took care not to loſe this opportunity of ſending a legate into England, in expectation, that by means of the king's authority, he might with impunity rifle the churches. Thus the Engliſh ſaw themſelves at once expoſed to the avarice of the king and the pope, who were united together for their deſtruction.

Interview of the kings of England and Scotland at York.

The legate has a mind to go into Scotland: M. Paris.

It was not upon England alone that the legate caſt his eyes: his deſign was to drain Scotland alſo, which hitherto had been free from the exactions of the court of Rome. He believed he had met with an opportunity at an interview [a] which the kings of England and Scotland had at York, on account of the Scotch king's pretenſions. As ſoon as the conference, where the king of Scotland obtained an augmentation of his penſion [b], was ended, the legate, who had found ſome excuſe to be preſent, told him, he deſigned to go into Scotland, to regulate the affairs of the church. Alexander anſwered, he never heard of any legate ſent into Scotland, and there was ſtill leſs occaſion for any in his reign; neither would he, in ſhort, allow any ſuch an innovation, as long as he ſat on the throne. Adding, if, notwithſtanding his declaration, he perſiſted in his deſign, he warned him beforehand, that he was not abſolute maſter of his own ſubjects, and perhaps it would not be in his power to protect him, if the people, fierce and ungovernable, ſhould fail in their re-

but is oppoſed by the king.

[a] Or rather a parliament, held September 14, at which the great men of the kingdom were ſummoned, to treat of important affairs. M. Paris.

[b] He was to have three hundred pounds a year in lands, ſays M. Paris; but by the record (Rot. Pat. 21. H. 7. M. 8.) it appears to have been but two hundred pounds per Annum, out of Cumberland and Northumberland. See Brady, p. 568.

ſpect

ſpect due to the pope's legate. Theſe laſt words were apparently the reaſon of the legate's altering his mind, and ſtaying with the king of England, whom he found more obſequious.

John late earl of Cheſter dying this year [c] without iſſue, the king annexed to the crown that earldom, which enjoyed very great privileges, paying in money to the earl's ſiſters what they were to receive from thence, or allowing it out of other lands. The earldom of Cheſter annexed to the crown. M. Weſt.

About the ſame time, Henry received a letter from the emperor Frederic, informing him of the birth of a ſon by Iſabella his wife, to whom he had given the name of Henry. Adding, he deſigned the kingdom of Sicily for the new-born prince. Birth of Henry, ſon to the emperor. M. Paris.

Matthew Paris the hiſtorian, concludes the occurrences of this year, with a lively deſcription of the court of Rome. What he ſays is the leſs queſtionable, as it comes from the pen of a cotemporary monk. But however it is this which has gained him ſo many enemies, who have laboured to render his teſtimony dubious. Corruption of the court of Rome.

1238. Simon de Montfort finding himſelf in great favour at court, ventured to caſt his eyes on the counteſs dowager of Pembroke, the king's ſiſter. But as he was juſtly apprehenſive of meeting with great obſtacles, he took a ſhorter method, by ſecuring the princeſs's heart beforehand. In a word, he ſo managed his matters, that the king was obliged to cauſe them to be privately married in his own chappel. Prince Richard was extremely incenſed at this marriage [d]. He ſharply complained of it to the king, and ſtrongly remonſtrated, that he was in the wrong to give his ſiſter to a younger brother, whoſe fortune was no way anſwerable to a royal family. The king excuſed himſelf in the beſt manner he could, from the neceſſity of haſtening the marriage; adding, there was now no remedy, ſince it was ſolemnized and the princeſs with child. Mean while, Montfort perceiving prince Richard was highly exaſperated againſt him, and fearing he would endeavour to annul his marriage, went to Rome, where he found means to have it confirmed by the pope. After that he returned to the king, who gave him a very kind reception. Simon de Montfort marries a ſiſter of the king's. M. Paris. p. 463. An. Waverl. M. Paris. p. 467. His marriage confirmed by the pope. M. Paris. p. 468.

[c] M. Paris ſays, he was poiſoned by his wife, the daughter of prince Lewellyn.

[d] Chiefly, becauſe it was done without his knowledge, and without the conſent of the great men of the kingdom; after the king had engaged, not to do any thing of great moment, without their advice and concurrence. M. Paris, p. 467.

This

The barons complain to the king. M. Paris.

This marriage was not the only thing Richard thought he had reaſon to complain of. The great credit of the foreigners, who were always near the king, created in him no leſs uneaſineſs than in the reſt of the barons. They all unanimouſly complained, that the king had violated his promiſes; and that all the money exacted from his people on divers pretences, was employed only in inriching the queen's relations.

They enter into a league with Richard, and demand redreſs of their grievances. M. Paris. p. 467.

As prince Richard ſeemed to be very much concerned for the intereſt of the public, they believed that, under ſuch a leader, it would not be impoſſible to obtain of the king the ſatisfaction they required, eſpecially with regard to the foreigners. In this belief, they entered into a confederacy [e], and having the prince at their head, ſent the king word, that they prayed him to remember his promiſes. This confederacy, the conſequences whereof were dreaded by Henry, cauſed him to put on a ſeeming moderation, as he uſually did, when he found himſelf preſſed. Inſtead of ſhewing any reſentment, as they expected, he appointed a day to give them a favorable anſwer. But as they had been deceived more than once, they ſuffered not themſelves to be ſurpriſed by this outward mildneſs. Perſuaded as they were, that the king ſought only to amuſe them, they came to London on the day appointed, guarded with horſe and arms, and ready to compel the king to a compliance. Henry took care not to reſiſt, at a time when he ſaw no power able to ſupport him. He aſſured them he really intended to redreſs all grievances; and to convince them of his ſincerity, told them, he was willing to ſubmit to the arbitration of a certain number of lords, the one half to be named by himſelf. This propoſal being approved, commiſſioners were choſen on both ſides, who drew up certain articles, which the king was to obſerve for the future in the government of the kingdom. Theſe regulations were ſigned by the king and the barons, and confirmed by the legate, who, in all public affairs, always endeavoured to interpoſe his maſter's authority.

M. Paris. p. 468.

The king is forced to comply.

Regulations for the government of the ſtate propoſed by the king.

The legate inſulted at Oxford. M. Paris. M. Weſt. Hemingf. T. Wikes.

The legate not at Oxford, where he went upon ſome buſineſs, with that reſpect that was paid him at court. Tho' the univerſity received him with the deference due to his character, the inſolence of his domeſtics was the occaſion that certain ſcholars loſt the reſpect they owed him. Some young ſtudents offering to enter into his lodgings, were ſo uncivilly repulſed by the porter, that they were very much out of humour. Whilſt they were yet in the houſe, ſome of them

[e] Which conſiſted of Gilbert earl marſhal, all the earls and barons of England, and the generality of the people of the kingdom. Of the nobility, Hubert earl of Kent, alone, remained faithful to the king. M. Paris.

going

going into the kitchen, found there a poor Iriſh ſcholar begging for relief of the cook, who inſtead of an alms, threw a ladle-full of boiling water in his face. This barbarous action ſo provoked a Welſh ſtudent, who was witneſs of it, that having a bow in his hand, he ſhot the cook dead on the ſpot with an arrow. The legate hearing of the tumult, retired in a fright into the tower of the church, where he remained till night, dreading that the inſolence of the ſcholars would even extend to his perſon. As ſoon as he thought he might retire with ſafety, he haſtened to the king, and complained of this outrage, laying it to the charge of the whole univerſity, which he had now put under an interdict. The king appeared extremely inraged at this inſult upon the legate; and to give him ſatisfaction, immediately ſent the earl of Warren to Oxford with orders to ſeize the offenders [f]. This buſineſs, which at firſt made a great noiſe, was at length huſhed by the mediation of the biſhops, who prevailed with the univerſity to make all the ſubmiſſions the legate required [g].

Coldneſs between the king and the pope. M. Paris. p. 470. M. Weſt.

Had this accident happened a little later, England would have paid dearer for it. Shortly after, Henry ſending the emperor a body of troops, under the command of Henry de Turbeville, the pope, againſt whom they were employed, was ſo incenſed, that for a good while the Engliſh eccleſiaſtics were denied admittance at the court of Rome. This quarrel made the emperor hope, he ſhould gain the king his brother-in-law to his ſide. Accordingly he diſpatched ambaſſadors to him, who did all that lay in their power to perſuade him to join with the emperor againſt the pope; but it was not poſſible for them to ſucceed. The king and the pope ſtood too much in need of each other to remain long at variance. Though the pope looked upon himſelf as lord paramount of England, he was not ignorant how averſe the barons were to his pretenſions, which the king's authority was alone capable of ſupporting. Beſides, it was only through the countenance and connivance of the king, that he could rifle the Engliſh clergy with impunity. On the other hand, Henry ſaw none but the pope could ſupport him againſt the barons. Moreover, in his deſign of filling the principal church-preferments with his creatures, he was very ſenſible he could not proceed without the pope's authority. It was no wonder therefore, the king and the pope held

f Thirty-one were imprisoned in Wallingford caſtle. By reaſon of this, the ſtudies ceaſed there all the ſummer. M. Weſt.

g The legate obliged all the ſcholars to meet at St. Paul's church (where [illegible] made from his lodgings) and [illegible] to the biſhop of Carlisle's [illegible] there [illegible] off their [illegible] and [illegible] to the legate's [illegible] and humbly crave pardon and [illegible] M. Paris.

together,

together, since it so greatly concerned them mutually to assist one another.

Death of the bishop of Winchester. Henry tries to get the queen's brother elected, but the monks chuse another. M. Paris. p. 472, 473. M. West. T. Wikes. An. Waverl.

The death of the bishop of Winchester[h], during these transactions, gave the king an opportunity to make the first advances towards a reconciliation with the pope. Henry ardently desiring to procure this rich see for the bishop of Valence his uncle, strongly recommended him to the monks the electors. But notwithstanding his sollicitations, they made choice of the bishop of Chichester, high chancellor of England. Though the king was disappointed as to the monks, he despaired not to succeed another way. He knew the pope would be glad to see him make advances towards a reconciliation: the interest of the court of Rome required it, and seldom does that court neglect what may turn to its advantage. In this belief Henry sent ambassadors thither, who, after making some submissions in their master's name[i], prevailed to have the election of the bishop of Chichester annulled by the apostolical authority[k].

The bishop of Winchester chief cause of the troubles in this reign.

The deceased bishop of Winchester was justly deemed one of the chief authors of the troubles in this reign. It was he that advised the king to annul his father's two charters, and send for foreigners into the kingdom to commit to them the administration of the public affairs. These two articles were a perpetual occasion of discontent among the nobles, and at length were attended with very fatal consequences. The death of this pernicious counsellor was preceded by that of Joanna queen of Scotland, sister to Henry[l].

Death of the queen of Scotland. Mat. Paris.

Plot against the king. Id. p. 474. M. Westm.

The manner in which the kingdom was governed was displeasing to all; so it was not strange there should be people who endeavoured to make away with the king. This year a villain[m], pretending to be mad, found means to get into his chamber by night, with design to kill him, but being disappointed by the king's passing that night in the queen's apartment, he was taken and punished according to his de-

[h] He died at Farnham, June 9, and was buried in Winchester cathedral. He founded the monastery of Hales in Glocestershire, and Tickford in Buckinghamshire, for Premonstratensians; Selburne in Hampshire, for Augustine monks; and an hospital at Portsmouth. M. Paris.

[i] And distributed money about plentifully. Mat. Paris.

[k] He also took the great seal from him, which was put in commission, and delivered to Gaudrey [illegible] plar, and John de Lexington; but the revenues of the chancery were still left to the bishop. Id. p. 474.

[l] She was married to Alexander II. king of Scots, at York, in the presence of her brother, June 25, 1221, and coming to visit king Henry, died March 4, 1238, and was buried at Tarente, a nunnery in Dorsetshire, founded by Richard bishop of Durham. Sandf. Genealog. p. 87.

[m] A learned knight, says M. Paris. It was on Sept. 8. at Woodstock.

ſert. Before he died, he declared that William de Maris [n] was the author of the conſpiracy, in which ſeveral others were engaged: however, either out of careleſſneſs or for ſome other reaſon, there was no inquiry made.

I ſhall begin the relation of the occurrences of the year 1239, with obſerving ſome effects of Henry's capriciouſneſs and inconſtancy: the knowledge of the character and genius of this prince is abſolutely neceſſary for the better underſtanding the cauſes of what paſſed in this reign. As he neither loved nor hated but according to the ſuggeſtions of thoſe who had the aſcendant over him, it was no wonder he frequently altered his inclinations and maxims. He ſometimes loaded with favours and careſſes perſons, who within a few days found themſelves in diſgrace; and very often he reſtored to his ſervice ſuch as had been ſhamefully diſmiſſed. I have already taken notice, that after perſecuting the earl of Pembroke, he reſtored to Gilbert his brother the office of earl marſhal [o]. Gilbert, thinking himſelf in the king's good graces, was very much ſurprized that one day, when he came to wait upon him, he was, contrary to cuſtom, denied entrance. He complained to the king himſelf by one of his friends, who prayed him to tell the reaſon why ſuch an affront was offered to a lord of ſo great diſtinction. Henry replied, it was becauſe Richard the earl's brother was a traytor, and continued in his treaſon till his death; and therefore he repented of giving him the office of marſhal, which however he could recal whenever he pleaſed. This anſwer obliged the earl to withdraw from court and retire into the north of England, to ſecure himſelf from the plots of his enemies, who had poſſeſſed the king againſt him.

1239. Inſtances of the king's inconſtancy.

Gilbert earl of Pembroke diſgraced without cauſe. Mat. Paris, p. 483.

Behold another inſtance of this prince's inconſtancy! So far was he from reſenting Simon de Montfort's affront to the royal family, that he continued him in favour as before, and at laſt made him earl of Leiceſter [p]: and yet, a few days after giving him this freſh mark of his eſteem, he publicly charged him with debauching his ſiſter, and bribing the pope to confirm his marriage. This accuſation could never be more unſeaſonable, ſince the time to proſecute him for this action was paſſed; and beſides, he had cauſed the nuptials to be celebrat-

The king would proſecute Simon de Montfort for his marriage. M. Weſtm.

[n] Who was baniſhed to the Iſle of Lundey, between Wales and Cornwal. Ibid.

[o] Gilbert was reſtored to his brother's office and reconciled by the intervention of the archbiſhop, as appears by the king's letter to Llewellyn that extant. See Dr. Brady's Append. n° 150.

[p] His mother was Amicia, daughter and coheir of Robert Blanchemains earl of Leiceſter. Sands. Geneal. p. 87. He was created earl of Leiceſter, February 7, 1239. Mat. Paris. Ann. Wyver.

ed in his preſence and in his own chapel. The earl, dreading the effects of his reſentment, departed that very day with his lady for France, where he remained till the king's diſpleaſure was over.

He retires into France.

I ſhall relate but one inſtance more of the capricious conduct of this monarch, of which there are viſible proofs in almoſt all the actions of his life. He was not afraid the year before to break with the pope, by ſending ſuccours to the emperor: and yet a few months after, Frederic being ſolemnly excommunicated, Henry ordered the bull of excommunication to be publiſhed in all the churches of his kingdom. This proceeding was thought the more ſtrange becauſe, as brother-in-law to the emperor, he might have plauſibly excuſed himſelf, or at leaſt been ſo tardy as to ſhew it was done with regret.

Henry publiſhes the bull of excommunication againſt the emperor. Act. Publ. tom. i. p. 383. Mat. Paris. p. 490.

This year the queen was delivered of a prince called Edward, who in proceſs of time ſucceeding his father, proved one of the moſt illuſtrious monarchs that ever ſwayed the Engliſh ſceptre.

Birth of prince Edward. Mat. Paris. M. Weſtm.

The exactions daily impoſed by Otho the legate upon the churches, compelled the biſhops at length to carry their complaints to the pope, who had twice by his letters recalled him, but the king had ſtill oppoſed it. At laſt the prelates, tired at the perpetual demands of the cardinal, who daily invented new pretences to pillage the clergy, reſolved to meet and conſider of ſome remedy for this evil: they had ſcarce begun to treat of their affairs, when the legate came into the aſſembly, and demanded an aid for the preſſing occaſions of the holy ſee. This freſh demand putting them beyond all patience, they plainly told him, they were determined to endure his oppreſſions no longer; and, to prevent any farther ſollicitation, broke up immediately. A denial ſo peremptory, which ſhould have convinced him how much the clergy were diſguſted, had no other effect but to cauſe him to turn to the religious houſes, who were forced to ſupply what the biſhops refuſed.

The legate's exactions. Mat. Paris. p. 484, etc.

He demands a ſubſidy of the biſhops, who deny him. Id. p. 498.

This legate, like the reſt before him, was inſatiable. After having with impunity extorted large ſums from England, he had a mind to do the ſame in Scotland, though he had already been refuſed entrance. But he was not a man to be diſcouraged at one denial. For this purpoſe he departed, attended by ſome Engliſh barons, without troubling himſelf to obtain the king of Scotland's conſent. Upon his arrival on the borders, he was met by the king, not to do him honour, but to hinder him from proceeding. This oppoſition,

The legate makes a freſh attempt upon Scotland. Ibid.

He denied entrance by the king.

which however he had reaſon to expect, offended him ſo, that in his paſſion he threatened Alexander, who anſwered him in a louder tone, and let him ſee he did not value his threats. They would have come to a quarrel if the Engliſh lords had not interpoſed to make up the difference. They prevailed at length with the king of Scotland, though not without great difficulty, to give the legate leave for this once to enter his kingdom. But Alexander would not conſent to it, but on condition the legate ſhould acknowledge, under his hand and ſeal, that it was out of a particular condeſcenſion for his perſon, and that this example ſhould not be brought into precedent. All obſtacles being removed, the legate came to Edinburgh, where he exacted ſome money from the Scotch clergy, which was the ſole end of his journey.

Finds means to go there.

If the clergy of England had to deal with a greedy cardinal, the reſt of the king's ſubjects were in no better caſe. Henry, who could not without great difficulties obtain ſubſidies of the parliament, neglected no opportunity of extorting money from private perſons by all ſorts of means. Hubert de Burgh, whom he had left unmoleſted ſome years, was proſecuted afreſh for the ſame crimes he was before charged with, and which were thought to be forgotten. This cauſe was ſolemnly tried before an aſſembly of the barons, where, it is ſaid, he vindicated his innocence by inconteſtable proofs. However, as he had reaſon to dread a ſentence which the king himſelf was ſolliciting againſt him, he thought it more adviſeable to compound matters with him than wait the deciſion of the judges. Accordingly he reſigned to the king four of his beſt eſtates, for which Henry deſiſted.

Henry proſecutes afreſh the earl of Kent; Mat. Paris. p. 515. M. Weſtm.

who compounds the matter with the king.

I find myſelf indiſpenſably obliged frequently to return to the ſame ſubject, I mean the exactions of the king and court of Rome, becauſe they are the moſt conſiderable occurrences of this reign, at leaſt to the time we are now ſpeaking of. But though theſe things ſeem of little importance, they ſerve however to diſcover the ſtate of the kingdom, inceſſantly pillaged, one while by the king, another while by the pope. Theſe extortions were carried ſo far, that one muſt be ſurprized that the Engliſh ſhould bear them with ſuch patience, under a king ſo weak as Henry, and deſtitute of all aſſiſtance except from the court of Rome. But this aſſiſtance was what to them ſeemed moſt formidable, the calamities of the late reign making them dread involving the kingdom in the like confuſion. It ſeemed however, that the biſhops ſhould have reſolved to take ſome meaſures to ſcreen themſelves from theſe oppreſſions, in a ſynod held at London for that purpoſe.

1240. Great exactions of the king and pope. Mat. Paris. P. 543.

Complaints of the biſhops againſt the king. Id. p. 515, 514.

They openly complained that the king kept for his own uſe all the vacant benefices, and obſtructed all elections till ſuch were choſen as he deſired. They even proceeded to excommunicate the authors of theſe pernicious counſels. But Henry little regarded their complaints, as long as he was ſure of the pope's protection, for whom, in return, he ſhewed ſo great deference as paſſes all imagination. When the emperor ſent embaſſadors to complain of his cauſing the ſentence of excommunication to be publiſhed againſt him, he moſt ſhamefully anſwered, that being vaſſal to the pope, he could not diſpenſe with obeying him. Mean time the legate continued his exactions. After draining the churches and monaſteries of immenſe ſums, under colour of procurations and a thouſand other pretences, he diſcovered by a new ſort of oppreſſion how little meaſures the court of Rome then kept with the Engliſh. He ordered to be publiſhed throughout the kingdom, that he had power, not only to abſolve from their vow all that had taken the croſs, but likewiſe to oblige them to compound for their abſolution by money, under pain of excommunication.

Id. p. 498, 515.

Id. p. 514.

The exceſſive demands of the pope from the clergy. Mat. Paris.

But this was a trifle in compariſon of what the legate demanded ſhortly after of the clergy. On pretence of ſecuring the peace of the church againſt the pretended aſſaults of the emperor, the pope required of all the Engliſh eccleſiaſtics the fifth part of their goods; and the king, inſtead of oppoſing, promoted this exaction to the utmoſt of his power. The biſhops at firſt refuſed not only to comply with the legate's demands, but even to contribute any thing towards the pretended wants of the holy ſee. But the archbiſhop of Canterbury, who was willing to live in quiet, and afraid of the imperious temper of the pope, conſenting to give in lieu of the fifth part of his goods a fifth part of his income, the reſt followed his example. However, the legate refuſed a good while to accept of an offer ſo diſproportionate to his demands, as if the buſineſs had been to give the clergy his maſter's own goods. This was the laſt money the archbiſhop of Canterbury gave the pope. This prelate, who led a truly Chriſtian life, perceiving it impoſſible to redreſs the abuſes which were daily introduced, as well in the church as ſtate, retired into France, to the monaſtery of Pontigniac, where he died this year. He was canonized by the council of Lyons, ſome years after his death.

The archbiſhop retires into France, where he dies. Id. p. 522. M. Weſtm.

Upon the archbiſhop's retreat, the court of Rome had no farther regard for the clergy of England. Hardly was this impoſition levied, when Peter Roſſi, the pope's nuncio, arrived

rived with orders to all the biſhops and patrons of livings to prefer to the vacant benefices three hundred Italians, whoſe names the pope had ſent, with an expreſs prohibition to confer any benefice till the foreigners were all provided for. But this was not the ſole end of his coming: his principal buſineſs was to draw money from the monaſteries, under pretence that the pope ſtood in need of an extraordinary ſupply to defend the church againſt her perſecutors. Hitherto the pope had acted with authority, but on this occaſion he judged it more advantageous to uſe artifice. To ſucceed in this deſign, the nuncio went to all the religious houſes, and tried by promiſes and threats to engage every abbot in particular to aſſiſt the pope in his preſſing neceſſities. He intimated to them, that ſuch an abbot had promiſed ſuch a ſum, and therefore it would be a ſhame, and perhaps of ill conſequence, not to follow ſo good an example. After procuring promiſſary notes under ſome of their hands, he uſed theſe notes to induce the reſt to the ſame compliance, enjoining ſecreſy to them all on pain of excommunication. But the abbots of St. Edmundſbury and Battle thought theſe proceedings ſo ſtrange and arbitrary, that they complained of them to the king, even before the legate's face. Henry, far from giving ear to their juſt complaint, received them with frowns, and even offered the legate one of his caſtles to impriſon them. This ſtratagem being diſcovered, the nuncio durſt not purſue what he had begun. But the legate convened the clergy once more, in order to obtain a freſh ſubſidy, on pretence of the war with the emperor. To this new demand the clergy made anſwer, that ſince the emperor was not excommunicated by the church, but by the pope alone, they would not concern themſelves in the quarrel: that beſides, they were too poor to anſwer all the pope's exactions; and ſuppoſing they were able, they would no longer endure that the church of England ſhould be thus tributary to Rome. During the legate's long ſtay in England, he had ſufficiently diſcovered the temper of the Engliſh, to know it was not prudent to exaſperate them too much in their preſent diſpoſition with regard to the pope. However, not to omit any thing that might help to accompliſh his maſter's orders, he bethought himſelf of another expedient: this was, to divide the clergy, in which the king ſerved him effectually, by promiſing ſome penſions and preferments, and frightening others by threats. This way ſucceeded ſo well, that at length each complied in particular, to what in a body they had refuſed, the moſt unwilling being forced to follow the majority.

The pope nominates three hundred Italians to the vacant benefices. Mat. Paris. p. 532.

He ſends a nuncio, who tries to extort money from the abbies. Mat. Paris. M. Weſtm.

The king backs the nuncio. Mat. Paris. p. 534.

The legate demands a freſh ſubſidy, which the clergy deny. Ibid. An. Burton.

He finds means to divide them. Id. p. 536.

The king sends justices into the counties to extort money. Id. p. 533.

Whilst the clergy were thus exposed to the avarice of the court of Rome, the king sent justices itinerant, through all the counties [q], under pretence of redressing grievances and easing the people. But it was soon perceived that this was only a means contrived on purpose to oppress several private persons by fines and confiscations, which brought in very considerable sums to his treasury. This oppression caused loud murmurs amongst the English, who saw themselves exposed at once to the tyranny of the ecclesiastical and civil powers [r].

The king recalls the earls of Leicester and Pembroke. Mat. Paris. p. 527. M. Westm.

The king's natural fickleness not permitting him long to love or hate the same persons, he recalled this year the earl of Leicester, who departed shortly after for the Holy Land, where he made no long stay. Gilbert earl of Pembroke was likewise received into favour, through the powerful intercession of prince Richard. This prince, having the year before taken the cross, set out for Jerusalem in company with the earl of Salisbury and several other lords.

The earl of Flanders does homage to the king for his pension. Mat. Paris. p. 515, 529. M. Westm.

Towards the end of this year, the earl of Flanders came to London, and did the king homage for a yearly pension of five hundred marks. There are some who question whether it was customary in those days to grant pensions in fee to be held by military service and homage. But this evidently appears in several agreements between the kings of England and divers foreign princes, the tenor of which is to be seen in the Collection of the Public Acts [s].

1241. The legate is recalled. Mat. Paris. p. 539. M. Westm. T. Wikes.

In the beginning of the year 1241, England at length was delivered from Otho the legate, who was recalled by an express order. Hitherto he had found means to be continued through the king's intercession: but now he did not think fit to desire him to speak in his behalf. He knew the pope was seized by a distemper, of which probably he would never recover; and therefore did not care to be in England

[q] William of York, provost of Beverley, into the southern, and Robert de Lexington into the northern parts of England.

[r] This year, about Easter, king Henry removed Simon the Norman and Geoffrey the Templar, who were joint-commissioners of the great seal, because they refused to affix it to a grant made by the king to Thomas earl of Flanders, of a toll of four pence upon every bag of wool brought from England into his dominions. Id. p. 519. The [illegible] given to Richard abbot of Evesham. Ibid.

[s] See Act. Publ. tom. i. p. 1, 4, 23, 27, 188, etc. The first volume begins with an agreement, dated May 27, 1101, between Henry I. and Robert earl of Flanders, whereby the king binds himself to pay the earl four hundred marks per ann. in fee, on condition of his sending the king five hundred horse, when he should want them. Rymer observes, that this act is a more ancient proof than any the French can produce, that the earls of Flanders were vassals to their kings. This year, in October, was born Margaret, king Henry's daughter.

when

when the news of his death ſhould arrive. He had too much reaſon to fear; that during the vacancy of the holy ſee, the money he had amaſſed might be ſtopped. It is affirmed, he carried away more than he left the churches and monaſteries. Gregory IX. died quickly after, as the legate foreſaw, and the emperor immediately adviſed the king of it, that he might ſeize the money levied on the kingdom for the deceaſed pope, but the legate had carried all with him. He was however ſo unfortunate in his return to Italy, as to fall into the hands of the emperor's people, who ſtripped him of all his riches. This was the fruit of his numberleſs oppreſſions and extortions in England. Thus the money exacted on pretence of employing it againſt the emperor, turned to the emperor's benefit.

M. Paris. P. 549.

He is rifled by the emperor's people. M. Paris.

The death of Gregory IX. cauſed a ſchiſm which laſted till the next year. During this time, Roſſi and Rupin, whom the legate left in England as nuntios, continued their extortions without moderation or juſtice. Rupin being gone to Ireland, with the king's permiſſion, exacted from the clergy there fifteen hundred marks, a very large ſum at that time, for a country where money was extremely ſcarce. Thus the death of Gregory IX. brought but little relief to the Engliſh, though they imagined they had reaſon to rejoice as at a great deliverance, ſince no pope had ever carried his exactions to that heighth. The following inſtance is a clear evidence of what he was capable. Some time before his death, he cauſed to be propoſed to the abbot of Peterborough, that if he would give him, under a borrowed name, one of the monaſtery's livings of two hundred marks a year, he would farm it out to him at an hundred, and ſo they ſhould ſhare the benefice between them. But the abbot was too honeſt to agree to ſuch a propoſal. He even acquainted the king with it, who being made ſenſible of the ill conſequences, hindered by his authority, the abbot from being forced to comply. Had the pope ſucceeded in this project, all the benefices in England would ſoon have been in the hands of the pope, the biſhops, and the abbots. At leaſt, it is to be preſumed, Gregory would not have been ſatisfied with that, but deſigned it only as an eſſay of a more general project.

Schiſm after the death of Gregory. The nuntios continue their exactions. M. Paris, M. Weſt.

Simoniacal propoſal of pope Gregory. M. Paris, P. 554.

The clergy were not the only ſufferers in England. The people were no leſs expoſed to the king's oppreſſions, than the clergy to the pope's. The Jews in particular were ſeverely dealt with, for out of their pockets it was that the king uſually raiſed money to defray his extraordinary expences.

The king extorts money from the Jews.

Arrival of the earl of Savoy. M. Paris, p. 549. 55. Mat. Weſt.

Thomas earl of Savoy, the queen's uncle, being come this year into England, the king received him with ſuch magnificence, that not knowing how to provide money for this charge, he forced the Jews to preſent him with twenty thouſand marks, on pain of being expelled the kingdom [t].

Henry gets the queen's brother choſen archbiſhop. M. Paris.

The king was ſo deſirous of enriching the queen's relations, that he was never weary of ſhewing them marks of his affection. The archbiſhop of Canterbury dying the laſt year, as was obſerved, Henry uſed ſo many inſtances, and other leſs lawful means, that he got Boniface, the queen's brother, to be elected to the archiepiſcopal ſee. Thus was ſeen at the head of the church of England, a young foreigner, ignorant of the laws, cuſtoms, and language of the kingdom, and conſequently incapable of diſcharging the functions of that dignity as he ought.

Death of the earl of Pembroke, who is ſucceeded by his brother. Id. p. 565, 572. M. Weſt. An. Waverl.

Gilbert earl of Pembroke dying this year [u], Walter his brother demanded of the king the inveſtiture of the office of earl-marſhal, hereditary in their family. Henry at firſt, in a great paſſion, denied him, alledging, his two brothers were traitors and rebels, and that he himſelf was preſent at a tournament contrary to his commands. However, this lord finding means to make the queen his friend, obtained at length what he demanded.

The affairs of Wales.

Brady's Appendix, No. 167. M. Paris. M. Weſt.

The affairs of the Welſh employed the king good part of this year. Lewellyn, prince of Wales, departing this life in a very advanced age, left two ſons, David and Griffin, who were to ſhare his inheritance. But David ſeized the whole, and moreover detained his brother in priſon. Though, ever ſince the homage voluntarily paid by Lewellyn, Henry might juſtly look upon Wales as a fief of the crown, he would not perhaps have concerned himſelf in this affair, had he not been induced by Griffin's wife. This princeſs imploring his protection, promiſed him in her huſband's name, a preſent of ſix hundred marks, and an annual tribute of three hundred, if he would free that prince out of priſon, and put him in

possession of his right. Henry accepting this offer, sent to David to release the prisoner, and restore him his part of the inheritance, threatening him, in case of refusal, with a fierce war, till he should obey [w]. David not being able to resist, at a time when many of his subjects were inclined for his brother, took, as he thought, a surer course than that of arms. He out-bid his sister-in-law, and made more advantagious proposals, which were accepted. As Henry had only a view to his own interest, in granting his protection to Griffin, he readily espoused the contrary side, when he found his account in it. Accordingly, from Griffin's protector, he turned his enemy; and lest that prince should escape, he took upon him to see him safely confined in the Tower of London [x]. Thus it was that this prince made no conscience of selling his protection to the two opposite parties, without troubling himself on which side justice lay, or regarding his prior engagements [y].

Act. Pub. T. i. p. 383, 388, &c.

The same year the empress Isabella, the king's sister, died in child-bed. Her death was soon followed by that of Eleanor of Bretagne, who had been prisoner forty years in Bristol castle. This princess, though reduced to so wretched a condition, could never be brought, during her long imprisonment, to recede in the least from her right, in order to obtain some favour which she could not expect upon any other terms [z].

Death of the empress and Eleanor of Bretagne. Act. Pub. T. i. p. 389. M. Paris. M. West.

Shortly after, Henry was engaged in a troublesome affair, of which he got clear, as usually, with dishonour, and which caused him to forfeit entirely the little esteem his subjects had still left for him. Before prince Richard's departure to the Holy Land, he invested him with the eastdom of Poictou, though France was possessed of good part of it, since the conquests of Philip Augustus. This province being thus divided between the two crowns, Lewis thought likewise he had a right to invest with it his brother Alphonso; which proved the occasion of a war between the two monarchs.

Occasion of a fresh war between England and France. M. Paris. p. 560.

[w] He went as far as Chester, in order to force him to a compliance. Id. p. 570.

[x] By John de Lexinton. This transaction happened between the 8th and 29th of September. Ibid.

[y] This year king Henry placed the body of Edward the Confessor in a rich and curious shrine. M. Paris.

[z] She died a virgin, and lies buried in the church of the nunnery of Amberesbury, to which monastery she gave the manor of Melkesham. Vide Ganeal. p. 6[illegible].—This year also, Nov. [illegible] 9, died Stephen de Segrave, in [illegible] abbey, where he had lain his [illegible] disgrace. M. Paris, p. 57[illegible].—And William de Fortibus earl of Albemarle. Id. p. 5[illegible].

1242. *The earl of Marche engages Henry to carry the war into Poictou.* M. Paris. p. 392. M. West. T. Wikes. Hemingford

Henry being extremely provoked at Lewis's inveſting the prince his brother with Poictou, reſolved to be revenged, and the more, as the queen his mother was concerned. The princeſs, who, after the death of king John, eſpouſed the earl of Marche, her firſt lover, behaved with the ſame haughtineſs, ſhe had aſſumed whilſt queen of England. As the territories of the earl her ſpouſe were in that part of Poictou poſſeſſed by France, he had all along done homage to Lewis. But when Alphonſo became earl of Poictou, ſhe could not bear to ſee her huſband kneel to a brother of the king of France. This was certainly a miſtaken pride, ſince there was a vaſt difference between the ſovereign and the vaſſal. However, ſhe ſollicited her huſband ſo earneſtly, that at length ſhe prevailed with him to refuſe homage to prince Alphonſo, though he had now poſitively promiſed it. This refuſal was even accompanied with ſome offenſive words, which put the king of France in a paſſion, and made him reſolve to chaſtiſe the earl's inſolence. Mean time, the earl, maintaining what he had done, implored the protection of the king of England. He hinted to him, it would be very eaſy to drive the French out of all Poictou; and in caſe he would bear the expence of the war, that province would ſupply him with troops ſufficient for a great army. Henry, pleaſed with theſe hopes, ſummoned a parliament, and demanded an aid anſwerable to the intended expedition. But his ſubjects were ſo tired with granting money to a prince who made ſo ill uſe of it, that he could obtain nothing [a]. On the contrary, he was ſharply upbraided for laviſhing away his ſettled revenues, and the ſums daily exacted from his ſubjects by unlawful means. He was told likewiſe, that the truce with France not being yet expired, the parliament was unwilling to incur the guilt of the breach of his oath. In fine, complaints were made of the non-performance of his promiſe, with regard to the two charters which he had ſo often ſworn to obſerve.

The parliament refuſes to grant an aid. M. Paris. p. 389. M. West.

Henry raiſes money by other means. M. Paris. M. West.

Theſe reproaches were the more grievous, as the king had nothing to reply. However, he perſiſted in his deſign, and not being able to prevail with the parliament to grant him an aid, he got what he could from private perſons, by way of gift or loan, or other means, in which he ſpent the whole winter. After this, he ſummoned all the military tenants of the crown to meet him at Portſmouth on a day

Acc. Pub. T. I. p. 411.

[a] They entered, before the meeting of the parliament, into a reſolution not to grant him any money. M. Paris.

appointed

appointed. But inſtead of horſe and arms, he ordered them to bring each a ſum of money, depending upon the earl of Marche's words, that he ſhould find men enough in Poictou. As ſoon as the ſeaſon was fair, he embarked at Portſmouth, attended by the queen his mother, and prince Richard his brother, newly arrived from the Holy Land [b]. Upon his departure, he committed the regency of the kingdom to the archbiſhop of York [c]. He landed in Saintonge, where he was joined by ſome Poictevin noblemen. The earl of Marche met him alſo, but ſo thinly attended, that it was viſible, he was not in condition to perform his promiſe. When an army came to be raiſed in thoſe parts, the officers and ſoldiers liſted ſo ſlowly, under the Engliſh banners, that it was eaſy to foreſee the enterpriſe would not be ſucceſsful. Mean time, the king of France, who was advancing with a numerous army [d], laid ſiege to Fontenay, one of the ſtrongeſt places in Poictou. During the ſiege, Henry ſent ambaſſadors to him, to demand all that Philip Auguſtus had taken from the Engliſh, and Lewis VIII. had promiſed to reſtore; and in caſe of refuſal, to declare war againſt him. Lewis, who was ſainted after his death, being of a tender conſcience, could hardly overcome his ſcruples, on account of his father's oath to reſtore theſe provinces. In this diſpoſition, he gave the Engliſh ambaſſadors an honorable reception, and anſwered them with great moderation, that he much wondered, the king their maſter could break a truce confirmed by a ſolemn oath. Adding, that to ſhew his ſincere deſire to preſerve a good underſtanding between them, he offered to renew the truce for ſix years. In fine, he conſented to deliver up part of Poictou and Normandy, provided Henry would withdraw his protection from his rebellious vaſſals, who, for no reaſon, refuſed to pay him the obedience due to him. Theſe propoſals were as advantagious as Henry could wiſh. He might too, by accepting them, have procured for the earl of Marche

He ſets out, having made the archbiſhop of York regent.

The Poictevins join him not as the earl had promiſed.

Lewis beſieges Fontenay. M. Paris. M. Weſt.

Henry declares war. M. Paris. p. 587.

Lewis makes advantagious offers, which are rejected. M. Paris.

[b] And about three hundred ſoldiers. M. Paris.

[c] And at the ſame time reſtored to his favour Richard, biſhop of Chicheſter, the chancellor; Ralph Fitz Nicolas, and others. But Richard, abbot of Eveſham, reſigned the great ſeal. — About that time a marriage was concluded between Alexander, the king of Scotland's eldeſt ſon, and Margaret daughter of king Henry; in conſideration of which, the cuſtody of that part of England which borders upon Scotland, was committed to the king of Scots. Ibid.

[d] Conſiſting of above four and twenty thouſand men. M. Paris, p. 584. At the beginning of this war were ſeized the perſons and goods of the Engliſh merchants in the French dominions, and of the French in the Engliſh dominions, to the great injury of trade; which ſeems not to have been practiſed before. Id.

an

an honourable accommodation, which Lewis, as he then ſtood diſpoſed, would not doubtleſs have refuſed. But ſuffering himſelf to be guided by the violent counſels of the queen his mother, and the earl of Marche, he proudly rejected theſe offers. Some days after, he raſhly ſent two knights hoſpitallers to defy Lewis, though he was ill able to ſupport his haughtineſs. Notwithſtanding this bravado, Lewis, who could hardly conquer his ſcruples, ſought to make peace. But at length means were found to remove his uneaſineſs, by repreſenting to him, that his father's oath was no farther binding, than as the king of England ſhould perform on his part what he had promiſed: That king Henry had ſworn not to exact any ranſom from the priſoners, nor to treat ill ſuch of the Engliſh as adhered to France: That he had violated both theſe articles, and this breach of the treaty of London had rendered void the engagements of the other party. In all appearance, Lewis, as pious as he was, ſought not to eaſe his conſcience entirely, but only to quiet it for the preſent, ſince he was prevailed upon by ſo poor a pretence. Be this as it will, he continued the ſiege, and took the city by ſtorm. A natural ſon of the earl of Marche being made priſoner, with four hundred knights, Lewis was adviſed to put them all to death. But he replied, the ſon could not help obeying his father, and the reſt their ſovereign, and therefore it was not reaſonable that the innocent ſhould be puniſhed for the guilty. This firſt ſucceſs was followed by ſeveral others, which gained Lewis the poſſeſſion of divers places in that part of Poictou belonging to the Engliſh, without Henry's being able to ſtop his progreſs, ſo ill had he taken his meaſures. As Henry endeavoured only to avoid fighting, he went and encamped near Taillebourg, on the banks of the Charente, with the river between him and the enemy. When Lewis had notice of it, he poſted himſelf on the other ſide of the river, and by means of his engines and croſs-bow-men, compelled the Engliſh to remove two thouſand paces farther. Their retreat gave him an opportunity of eaſily becoming maſter of Taillebourg bridge, which was the only way he could come at the Engliſh. Mean time, as the day was too far ſpent to paſs his whole army, he was ſatisfied with guarding the bridge, reſolving to attack the enemy by break of day. Henry, who was not ſtrong enough to ſtand a battle, took the advantage of the night to retire in, whilſt prince Richard his brother was endeavouring to amuſe the French with propoſals of a truce, which however he could obtain only for the

Henry defies Lewis. M. Paris.

Lewis takes Fontenay. M. Paris. p. 588.

Id. p. 589. M. Weſt.

He gains a paſs over the Charente.

the rest of that night [e]. As soon as it was expired, Lewis pursued the English, and overtaking their rear, made them suffer some loss. This at least is the idea the English historians give of this action, which the French make much more considerable. But on such occasions, it is very difficult to discover the truth exactly, because there are but few impartial historians. However, it is very likely the matter was otherwise than the English represent it, since the French give a particular account of this battle, where they say both the kings were present; that Lewis was in great danger; and that four thousand English were taken prisoners. Besides, it is certain, the king of England fled as far as Xaintes, where he was followed by Lewis, and that the earl of Marche making a sally, was the occasion of the two kings coming to a second battle, no less fatal to the English than the former. After this, Henry perceiving he was like to be blocked up in Xaintes, fled to Blaye, where not thinking himself yet safe, he retired to Bourdeaux.

M. Paris. p. 590.

Id. p. 592.

The king of France's extraordinary successes in this war terrified the earl of Marche. He found that the king of England not being able to protect him, as it plainly appeared, his holding out any longer would but render his condition more deplorable. Therefore resolving, though a little too late, to provide for his safety, he sent his eldest son to the king of France, to try to obtain some tolerable terms. The favorable reception Lewis gave the young lord, induced the father to go to his camp, with his wife and children, and throw himself entirely upon his mercy. Lewis, who was extremely generous, very readily pardoned him, though he had sufficient evidence that the countess-queen had suborned people to poison him. He was content with having three of their castles for security of their fidelity. In all appearance, he would have enlarged his conquests upon the king of England, who was little able to resist him, if the plague which arose in his army, and a distemper which himself was seized with, had not prevented him from carrying his arms as far as Bourdeaux. These reasons, and perhaps some remains of his old scruples, caused him to consent to a five years truce, after having sufficiently chastised his enemy by the entire conquest of Poictou.

The earl of Marche makes his peace with Lewis. Will. de Nangis. M. Paris, p. 591. M. West.

Id. p. 594.

A truce for five years. M. Paris. p. 595. Act. Pub. T. I. p. 536.

[e] As soon as he had obtained it, he returned to king Henry, and advised him to make his escape with as much speed as he could, otherwise he would be taken prisoner; thereupon the king took horse that night, and never stopped till he came to Xaintes. M. Paris.

1243. Though Henry had nothing more to do in France, he would paſs the winter at Bourdeaux, where he laviſhed away the remains of his treaſure in entertainments and diverſions, as if he had been victorious in the late campaign. Mean while his troops were in want of all things, the Gaſcons not being willing to maintain an Engliſh army in time of peace, and without any neceſſity. So that the king found himſelf obliged to ſend for cloaths and proviſions for the ſoldiers to the archbiſhop of York, his regent in England: ordering him withal, to confiſcate the eſtates of ſome Engliſh barons, who were retired without leave[f]. The firſt of theſe orders were executed. But the regent prudently declined meddling with the laſt, for fear of raiſing diſturbances in the kingdom during the king's abſence. This firſt ſupply was hardly received before the king ſent freſh orders to the regent to demand of the Ciſtercians one year's profit of their wool. But the abbots excuſed themſelves in ſuch a manner, as plainly ſhowed they would not be compelled to it without force, which the archbiſhop did not care to uſe. In fine, the archbiſhop, continually preſſed to ſend money to Bourdeaux, obtained of the parliament a ſcutage of twenty ſhillings upon every knight's fee, which would have been ſufficient to free the king from his preſent ſtraits, had it been well managed.

Henry paſſes the winter at Bourdeaux, and ſends for money from England. M. Paris. p. 596. M. Weſt.

The parliament grants him an aid.

Mean time Henry continued ſtill at Bourdeaux with his army, without having any other buſineſs but to conſume in idle expences the money ſent him from England. When his coffers were empty, he demanded freſh ſupplies of the regent, who was at a loſs to anſwer all his demands. The only means left, was to borrow money in the king's name of ſuch private perſons as were reputed rich[g]. This extraordinary proceeding cauſed great murmurings among the people, as it has always done, whenever the kings have made uſe of it to ſupply their occaſions. The regent, however, was willing to expoſe himſelf to theſe complaints, in expectation, by that means, to draw the king from Bourdeaux. But withal, he ſent him word, there was no poſſibility of raiſing any more money, and therefore it was time to think of returning home. This declaration obliged the king to prepare for his departure. As ſoon as he was reſolved, he ſent orders to all the barons of England to be ready to receive him at Portſ-

Loans for the king, which cauſe great murmurings. M. Paris. p. 600.

[f] William de Ros a nobleman, not being able to afford to ſtay any longer with king Henry, came over into England; for which Henry ordered him to be diſſeized of his lands, without the judgment of his peers; but he was ſeverely reproved for it by his brother Richard. M. Paris.

[g] Chiefly of the citizens of London. M. Paris.

mouth.

mouth. They obeyed; but he made them wait ſo long, that they were extremely diſguſted, by reaſon of the expence they were at, during their ſtay. Before he left Bourdeaux, Henry ratified the five years truce with France; that diſhonourable truce, whereby, beſides Lewis's conqueſts, Henry was bound to pay him yearly five thouſand pounds ſterling [h]. This was the fruit of this ill-concerted, and ſtill worſe managed expedition. However, notwithſtanding the reaſon he had to be aſhamed of the ſucceſs of this enterprize, he would be received at London with extraordinary pomp, as if it was poſſible to deceive the people by theſe outward appearances, and make them believe, the king was returned victorious [i]. All the money that was ſent him being expended, he was no ſooner at London, but he fought a quarrel with the Jews, who, to appeaſe him, were forced to give him a very conſiderable ſum [k]. Of which, Aaron, a Jew of York, paid no leſs than four marks of gold, and four thouſand of ſilver [l].

Henry ratifies the truce, and returns to England. Act. Pub. I. p. 416.

Extorts money from the Jews. M. Paris. p. 605.

Henry was not long in England, before he found occaſion to expend what had been exacted from the Jews. The arrival of the counteſs of Provence his mother-in-law, who was come to celebrate the nuptials of her daughter Cincia with prince Richard, furniſhed him with an opportunity to conſume a larger ſum. The charge he was at on account of this marriage may be eſtimated by the wedding-dinner only, which conſiſted, as it is ſaid, of thirty thouſand diſhes.

Marriage of prince Richard. Act. Pub. I. p. 422.

h It was but five thouſand pounds in all, namely, one thouſand pounds a year. M. Paris.

i He ordered alſo, that every city or town he came through, four of the chief inhabitants ſhould come out to meet him on horſe-back, and richly dreſſed. M. Paris.

k It appears by the Memor. 28 Hen. III. that at this time there was a tallage of ſixty thouſand marks impoſed on the Jews. For it is there ſaid: "Baronibus pro Samuele filio Leonis "Judæ de Eboraco, Rex eiſdem; "Sciatis quod Samuel filius Leonis "Judæi Eboraci finem fecit nobiſcum per "ſeptem millia marcarum, pro relevio ca-"tallorum dicti Leonis patris ſui, & pro "catallis præfati patris ſui & ſuis in-"ventis extra archam & ut quietus ſit "de tallagio ſexaginta millia marca-"rum quod ſuper Judæos noſtros An-"glie aſſideri faciemus:——Et man-"datum eſt juſticiariis Judæorum." See the following coin-note.

l "Ab uno Judæo, viz. Aaron Ebo-"racenſi quatuor marcas auri & qua-"tuor millia argenti emunxit," ſays M. Paris. p. 535. Rapin by miſtake ſays, four thouſand marks of gold, and forty thouſand of ſilver, applying here what M. Paris ſays on another occaſion; namely, this Jew being fin'd (for falſifying a charter) fourteen thouſand marks of ſilver to the king, and forty marks of gold to the queen, told M. Paris, in 1250, that ſince the king's return from beyond ſea, he had paid him at ſeveral times thirty thouſand marks of ſilver, and two hundred marks of gold to the queen. Id. p. 785. The reaſon of paying theſe marks of gold to the queen, will be ſhown in the coin-note at the end of this reign. This ſame Aaron the Jew, fined with the king in one hundred marks a year to be quit, during life, of tallage. Ex. Orig. 20 Hen. III. M. 4.

The

Innocent IV pope. M. Paris. p. 604.

The holy see, which had been vacant eighteen months, was filled this year by cardinal Senebaldo of Genoa, who took the name of Innocent IV. The new pope was no sooner consecrated, but he confirmed the excommunication denounced upon the emperor.

1244. The parliament denies the king an aid.

Since Henry's taking into his own hands the administration of the government, not a year passed without his demanding money of the parliament. He had at first generally met with a denial: but afterwards the parliament had been gained by the king's assurances, that he would cause his father's charters to be punctually observed. He had a mind this year to use the same artifice [m], but found the nobility and clergy so strictly united, that he despaired of succeeding. He even perceived it was dangerous to suffer them to be assembled too long, knowing they were taking measures to deprive him of the administration of affairs, which they designed to commit to four of their body, who were to transact every thing in his name. A project of this nature could not but alarm him; and therefore he promised in general to reform what was amiss, and after some fruitless endeavours to divide them, prorogued the parliament [n].

The parliament's design against the king.

The parliament is prorogued.

The pope vexes the clergy. M. Paris. p. 641. M. West.

Mean while, the clergy had a violent shock to withstand from the new pope, who sent into England Martin as his nuntio, to exact money from the ecclesiastics, with power to punish such as were refractory to his commands. The nuntio executed his orders so rigorously, that for the least trifle he suspended priests, abbots, and bishops themselves; and thereby became odious both to the clergy and laity. But it was much

[m] The parliament chose a committee, to examine the king's proposal, consisting of the archbishop of Canterbury, the bishops of Winchester, London, and Worcester: Richard the king's brother, Simon de Montfort earl of Leicester, Roger Bigot earl of Norfolk, Walter earl Marshal. Of the barons, Richard de Munfichet, and John de Bailloil; and the abbots of St. Edmundsbury, and Ramsey. M. Paris. p. 639.

[n] Matthew Paris says, this great council or parliament had contrived a new method of government, and intended that four of the most potent and discreet men of the kingdom should be chosen by common consent, who were to transact all affairs relating to the king and kingdom, and to do justice to all without respect of persons. They were to follow the king, and two of them at least were to be always present with him, that they might hear and relieve the complaints of persons oppressed. The king's treasury was to be managed by them, and all aids were to be expended as they thought most for the benefit of the nation. In a word, they were to be the conservators of the public liberties, and as chosen by common consent, they were not to be removed but by the same authority; when one died, another was to be chosen by the three survivors. And without the consent of these four the great council was not to meet. They were likewise to appoint the justiciary, and chancellor; and the justices of the King's Bench and Exchequer, which were then two in each of those courts. M. Paris. p. [illegible].

worse,

worse, when he produced the pope's letter to demand of the clergy an extraordinary aid to discharge the debt contracted by Gregory IX, in his wars with the emperor. He alledged, this war being undertaken in defence of the catholic faith, and St. Peter's patrimony, all ecclesiastics and particularly the English, were bound to contribute to the expence. Before the clergy came to any resolution, the king reassembled the parliament [o], and renewed his demand of an aid. But as he knew he should obtain nothing unless he satisfied the barons with regard to their grievances, he promised with an oath to see the two charters punctually observed; and consented the bishops should excommunicate him, in case he violated his oath. Upon these assurances, the parliament granted him twenty shillings for every knight's fee. But as no pressing necessity could be alledged for this extraordinary aid, it was said, the money should be expended in the marriage of his eldest daughter, though all knew it was intended for other uses.

The pope's demand of them.

The king obtains a scutage by promising to keep the charters. M. Paris, p. 643.

When the nuntio saw the parliament had complied with the king, he pressed the bishops and abbots to have the same condescension for their spiritual, as the parliament had for their temporal father. But they slighted this frivolous reason, and alledged much stronger to justify their refusal. The steddiness of the prelates obliged the nuntio at length to desist. But he still continued, by virtue of the power received from the pope, to fill the vacant benefices, which he disposed of in a scandalous manner [p].

The nuntio sollicits the clergy in vain. Id. p. 643.

Whilst these things passed, an accident happened, which broke the strict union which had subsisted between the king and the prince of Wales ever since their agreement. Griffin, who was confined in the Tower of London, endeavouring to escape out of the prison-window, fell into the ditch and broke his neck. Whilst he was alive, his brother David never dared to displease the king, for fear he should support him in his pretensions. But when Griffin was dead, he made an irruption into the borders of England, under colour of being revenged for certain breaches of the late treaty. The borderers upon Wales seeing the king took no care to repel this insult, armed themselves in defence of their country; but as they were too weak, and ill-conducted, were continually defeated.

Affairs of the Welsh. M. Paris, p. 617.

o Three weeks after the purification. M. Paris.

p Among the rest he gave the treasurer's place in the cathedral of Salisbury to a little boy, who was the pope's nephew, [illegible] the will of the bishop and [illegible]. M. Paris.

AS

The king of Scotland refuſes to do homage to Henry, who prepares for war. Act. Pub. T. I. p. 425.

At the ſame time, Alexander II, king of Scotland, having lately married a French lady [q], ſent Henry word, he intended to do him homage no longer for the lands held of the crown of England. How little ſoever Henry was inclin'd to war, he could not help, on this occaſion, exerting himſelf, ſo highly were the Engliſh incenſed at this bravado. He ſummoned therefore all the vaſſals of the crown to meet him at Newcaſtle, the rendezvous of the army deſigned againſt Scotland. When Alexander refus'd the homage due to Henry, he did not expect to be involved in a war. Perſwaded as he was of the weakneſs and irreſolution of Henry, he hoped the difference would be decided as formerly, by a negotiation which might turn to his advantage. But when he ſaw the Engliſh army ready to enter his territories, he became more ſubmiſſive, and ſent ambaſſadors to Newcaſtle to ſue for peace. Henry received the propoſal with joy. Notwithſtanding his ſeeming reſolution to puſh the war with vigour, he readily conſented to a treaty, which afforded him an excuſe to lay down his arms. Alexander ſubmitted to the ſame homage paid by himſelf and anceſtors, and a good underſtanding between the two kings was perfectly reſtored. Before they parted, a marriage was agreed upon between Alexander's eldeſt ſon of the ſame name with himſelf, and Margaret, Henry's eldeſt daughter.

Alexander ſues for peace. Act. Pub. T. I. p. 428, &c.

The prince of Wales offers to become vaſſal to the pope. M. Paris.

The army raiſed for the war with Scotland not having occaſion to act, the king was adviſed to make uſe of it to reduce the prince of Wales to obedience. But inſtead of improving ſo favorable a juncture, he diſmiſſed the troops, out of impatience to call a parliament, and demand an aid of money, which however he could not obtain [r]. The prince of Wales ſo little queſtioned Henry's uſing the means he had in his power to chaſtiſe him, that, to free himſelf from the imagined danger, he applied to the pope, intimating he was compelled to declare himſelf vaſſal, and tributary to the king of England. For which reaſon, he beſought the pope to annul the treaty, offering to become vaſſal to the holy ſee, and to pay him the yearly tribute of five hundred marks [s]. Inno-

[q] Daughter to Engelram de Curcy, a potent nobleman of France, and mortal enemy to Henry. M. Paris.

[r] This parliament met November 3. upon their refuſing the king's money, he extorted fifteen hundred marks from the citizens of London, under pretence that they had ſheltered one Walter Buckerel, that had been baniſhed. M. Paris.

[s] Rapin ſays by miſtake, five thouſand marks that he uſed to pay to England. M. Paris's words are,—"Quod "ſe ſuamque terram totam, contra "regis Anglorum jus contuendam, ec"cleſiæ Romanæ reſignavit, ipſi ta"men David tenendam, ſuiſque here"dibus, reddendo inde annuatim quin"gentas marcas." p. 785.

cent IV. being no leſs greedy of money than his predeceſſors, was pleaſed with this propoſal. However, to ſhow he did not pretend to decide the matter upon the bare ſuggeſtion of a petition, he empowered two Welſh abbots to take informations concerning the pretended conſtraint alledged by their prince. At the ſame time he commiſſioned them to annul the treaty, and abſolve the prince of Wales from his oath, in caſe it appeared he had been really compelled. It was eaſy to foreſee what ſentence the judges would paſs. The two abbots, proud of their power, inſolently ſummoned the king of England to appear before them, as if he had been a private perſon ſubject to their juriſdiction. This proceeding enraged the king and his council as well as the whole nation. They were ſorry the army was diſbanded, but as there was no remedy, it was reſolved, another ſhould inſtantly be raiſed to chaſtiſe the prince of Wales as ſoon as the ſeaſon would permit; for it was then the middle of winter. At the ſame time, the great men conferred together about means to ſtop the attempts of the court of Rome.

The war with Wales reſolved upon. Act. Pub. T. I. p. 430.

Whilſt theſe two affairs were in hand, the court received intelligence, that the king of France had ſent away all the Engliſh in his dominions. Though the truce was far from being expired, Lewis thought fit to take this ſtep, to prevent the king of England's ſubjects in France, from being too well informed of the affairs of the kingdom. To that end, he aſſembled at Paris all who had eſtates in France, and declaring to them, he thought it not poſſible to ſerve faithfully two maſters at once, gave them their choice to prefer which they pleaſed. Thoſe that declared for England, were ordered to depart out of France within ſuch a time, with aſſurance of retaining their lands. Henry did not act with the ſame juſtice. As ſoon as he was informed of Lewis's proceedings, he ſeized all the lands held by the French in England, without any regard to the remonſtrances of the king of France. However, Lewis did not think fit to break the truce for the ſake of ſome private perſons *.

Lewis expels the Engliſh ſettled in his dominions. M. Paris. p. 614.

Henry confiſcates the lands of the French.

Shortly after the emperor Frederic ſent ambaſſadors to Henry, complaining of the frequent aids of money given to the pope. He ordered him to be told, for the future, he

The emperor complains of the aids ſent the pope. Id. p. 614.

* M. Paris ſays, that the French king gave the Engliſh in his dominions the liberty of relinquiſhing either their eſtates in France, or thoſe in England. And that they were forced to do one or the other. But it does not appear, he gave any aſſurance to thoſe who quitted France, that they ſhould retain their lands. The hardſhip on Henry's part, was, that he left the French in his kingdom no choice, but ſeized their lands to his own uſe.

would treat all the Engliſh that ſhould fall into his hands as enemies, ſince he could not deem them otherwiſe. His complaints had no other effect, than that the clergy took occaſion from thence to oppoſe the exactions of the court of Rome, whoſe continual pretence was the war with the emperor.

1245. Birth of prince Edmund. M. Paris.

In the beginning of the year 1245, the queen was delivered of another ſon, chriſtened Edmund. I ſhall have frequent occaſion to ſpeak of this prince before the end of this reign.

The war with the Welſh. ibid. M. Weſt.

The war with the Welſh, which was deferred till the ſpring, was accordingly begun at that time. But the Engliſh proceeded with ſo little vigour, that inſtead of attacking their enemies, they were hardly able to defend themſelves.

Vigorous reſolutions of the barons againſt the pope. M. Paris.

This was not ſo much owing to their weakneſs, as to their being employed in other affairs, which to them ſeemed of greater moment than the war with Wales. They at length reſolved to free themſelves from the tyranny of the court of Rome. Martin the nuncio uſed his authority with ſo little diſcretion, that it was not poſſible to bear it any longer. The barons, who ſaw with grief all the money of the kingdom remitted to Rome, and perceived the clergy always gave way when the pope came to be oppoſed, were at laſt determined to exert their utmoſt to prevent ſuch frequent exactions. After ſeveral conferences, they reſolved to act by their own authority. Accordingly, without waiting any longer for the king's protection, who appeared very backward to ſecond them, they iſſued out orders to the wardens of the ports, to ſtop all perſons that ſhould bring any bulls or mandates from Rome. Purſuant to theſe orders, which were every where obeyed, without regarding whether they were approved by the king, a meſſenger from Rome was ſeized with ſeveral bulls about him, empowering the nuntio to exact money from the clergy on divers pretences. The nuntio complained to the king, who commanded every thing that was ſeized to be reſtored to him. But the barons ſtrongly remonſtrated, how much he wronged his ſubjects in perpetually countenancing the exactions of the court of Rome. For his conviction, they laid before him the value of the income enjoyed by the Italian eccleſiaſtics in England, amounting to ſixty thouſand marks per annum, a ſum exceeding at that time the whole revenue of the crown [a]. Henry, who had never made ſo exact a calculation, could not help ſhowing his ſurprize. But as he durſt not venture of himſelf to redreſs this grievance, for fear

A courier from the pope ſtopped.

M. Weſt.

[a] "Ad quam ſummam non attingit redditus annuus totius regni Angliæ." M. Paris.

of

of the pope's reſentment, he was contented with permitting the barons to write to the general council then aſſembled at Lyons, to ſet forth the intolerable oppreſſions which England ſuffered from the court of Rome. Accordingly the barons wrote to the council in the name of the whole kingdom, inſerting in their letter, ſent by ambaſſadors on purpoſe, all the grievances complained of by the Engliſh [w]. But as they knew that on ſuch occaſions the court of Rome never failed to uſe delays and evaſions, they reſolved to take a more ſpeedy and effectual courſe. For that purpoſe they agreed to meet under pretence of a tournament, in order to concert the neceſſary meaſures for executing their deſign. The king, dreading the conſequences of this aſſembly, forbid them to be preſent at the tournament; but they did not think proper to obey. They met therefore at the place appointed [x], and after ſome conferences, ſent to the nuntio a knight, who commanded him in their name, forthwith to depart the kingdom. The knight diſcharged his commiſſion very bluntly; and upon the nuntio's demanding, who gave him his authority? he anſwered, the whole nation; and in caſe he ſtayed three days in England, he ſhould infallibly be cut in pieces. Martin failed not to carry his complaints to the king: but Henry telling him, he was not able to protect him [y], he demanded a paſs-port, and departed immediately, to the great ſatisfaction of all the people. The pope, who had never met with ſuch a check in England, was ſo enraged, that he was heard to ſay, "I ſee plainly I "muſt make peace with the emperor, that I may humble "theſe petty princes: for the great dragon being once ap-"peaſed, I ſhall with more eaſe be able to cruſh the ſmaller "ſerpents."

The barons ſend a letter to the general council. Act. Pub. tom. i. p. 434.

Id. p. 660.

Mean while the Engliſh ambaſſadors being arrived at Lyons, preſented their letter to the council, where the pope preſided in perſon. The letter being publicly read, Innocent was ſo ſurprized, that he ſaid not a word in his own vindication. After the ambaſſadors had waited ſome time, to ſee if he had any thing to alledge againſt the contents of the letter, one of them gave a particular narrative of the grievances of their nation. He dwelt chiefly on two articles, the firſt re-

They lay open the grievances of the nation.

w This bold and elegant epiſtle was ſent by earl Roger Bigot, John Fitz-Geoffrey, William de Cantelupe, Philip Baſſet, Ralph Fitz-Nicholas, and Mr. William Powere their ſecretary. M. Paris.

x June 29, at Luton and Dunſtable in Bedfordſhire. M. Paris.

y M. Paris ſays, king Henry was in a violent paſſion, and wiſhed the nuntio to the devil; but that being pacified by his courtiers, he ſent Robert Norris, a marſhal of his palace, to conduct him ſafely to Dover.

particularly the tribute,

lated to the tribute of the thousand marks, which king John promised to pay every year to the holy see. He maintained that king John could never render his kingdom tributary, and his engagement being never confirmed by the barons, was to be deemed null and void. The other article concerned the clause of Non-obstante, inserted by the pope in all his bulls; a clause entirely destructive of the rights of bishops, abbots, monasteries, and patrons of benefices. For instance, when the pope had a mind to dispose of a benefice, he inserted this clause in his bull, Non-obstante (i. e.) "Notwithstanding "the right of patronage or other privilege to the contrary [z]." This was in effect to annihilate all the rights and liberties of the church of England. To these two grievances, the ambassadors added many others concerning the perpetual extortions of the nuntio's and legates, and in general all the oppressions to which the English nation had long been exposed.

and the clause Non-obstante. M. Paris.

They protest against the tribute, and retire. Id. p. 681.

In vain did the ambassadors expect an answer from the council, the pope continually hindered the affair from being considered. At length, perceiving they were only amused with continual delays, they presented to the council a protestation against the tribute granted by king John, and withdrew. During their stay at Lyons, the pope never made the least step to satisfy them. But when they were gone, he endeavoured to cast a mist before the eyes of the council, by making them believe he intended to redress the grievances complained of. To that end, two bulls were drawn up, the first whereof permitted the English patrons to present whom they pleased to livings in their gift. By the second it was granted, that when a beneficed Italian died or resigned his preferment, another should not immediately succeed [a]. He made a great flourish of these two bulls, as if he had granted some very signal favours to England. But he staid till the ambassadors were departed, for fear they should demonstrate how disproportionable this slight satisfaction was to their grievances. As to the tribute, against which they protested, Innocent never intended the English nation any satisfaction. On the contrary, when the council broke up, the pope wrote thundering letters to the English prelates, expresly enjoining them to confirm and set their seals to the charter of tribute granted by king John to the holy see. Though the bishops had very strong reasons to excuse themselves from taking such a step, they durst not how-

The pope pretends to give the English satisfaction. Act. Pub. tom. i. p. 426.

He forces the bishops to sign the charter of tribute. M. Paris. p. [illegible]

z This clause, though copied from the court of Rome, in a few years crept into the king's charters, as will be seen hereafter.

a These privileges signified nothing by reason of the bar of a Non-obstante whenever he pleased to make use of it.

ever

ever diſobey, for fear of the threatned excommunication. The king appeared at firſt diſpleaſed at the pope's haughty proceedings, and ſeemed willing to oppoſe his pretenſions. But he ſoon reſumed his wonted complaiſance for the court of Rome.

War with the Welſh. Id. p. 682.

The war with Wales was the reaſon this affair lay dormant ſome time. The king, who had long ſuffered the Welſh to infeſt his borders with impunity, at laſt headed his army, threatening utterly to deſtroy their country [b]. But this ſudden blaze was quickly extinguiſhed. He was no ſooner entered Wales, but miſſing the enemy, who were retired to their mountains, he grew weary of the war, and after building the caſtle [of Ganoc] on an advantagious ſituation, returned to London.

Extinction of the family of the earls-marſhal. M. Paris. M. Weſt.

Walter earl of Pembroke dying this year without iſſue male, Anſelm his brother, then dean of Saliſbury, was his heir, and ſucceeded him in his office of earl marſhal: but he did not long enjoy it, being ſeized by death a few months after. Thus the noble family of Pembroke and Striguil was extinct, whereof the five laſt earls, who were brothers, were inveſted with the dignity of earl marſhal, hereditary in their family [c].

1246. Death of David prince of Wales.

David prince of Wales died in the beginning of the year 1246. As he had left no children, the lords of that country choſe for his ſucceſſor Lewellyn his nephew, ſon of the unfortunate Griffin, killed in endeavouring to eſcape out of the Tower of London.

Freſh exactions of the court of Rome. M. Paris. p. 600. M. Weſt.

The quarrel with the court of Rome was ſomewhat ſuppreſſed, when the pope renewed it by an impoſition upon the eccleſiaſtics, greater and more inſupportable than all the former. The clergy were ſo awed by the Roman pontiffs, that they durſt not ſtir towards freeing themſelves from their yoke. But it was otherwiſe with the barons, who began to take meaſures to oppoſe theſe oppreſſions. In a parliament aſſembled during Lent, it was reſolved that the nation's grievances ſhould be committed to writing, and ſatisfaction demanded of the pope in a letter, ſigned by the king, biſhops, and temporal lords [d]. The principal grievances were theſe:

[b] Whilſt he was employed againſt the Welſh, ſome Iriſh landed in Angleſey, and deſtroyed the whole country with the edge of the ſword M. Paris.

[c] The vaſt eſtate in England, Ireland and Wales, belonging to this family, fell among five ſiſters, who were married to divers great noblemen of England. The family failed in the third generation from Richard Strongbow, the firſt earl of Striguil.

[d] Matthew Paris ſays, the king wrote by himſelf, the biſhops by themſelves, and ſo likewiſe the abbots and barons by themſelves, of all which letters there are copies extant in M. Paris.

Grievances of the nation.

I. That the pope, not content with the annual payment of Peter-pence, exacted from the clergy great contributions, without the king's conſent, againſt the cuſtoms, liberties, and rights of the church and realm of England.

II. That the patrons of churches could not preſent fit perſons to the vacant livings, the pope conferring them generally on Italians, who underſtood not the Engliſh language, and carried out of the kingdom the money ariſing from the income of their benefices.

III. That the pope oppreſſed the churches by exacting penſions from them.

IV. That when an Italian eccleſiaſtic died, his benefice was immediately beſtowed on one of the ſame nation, as if the Italians had a right to poſſeſs ſuch a number of benefices in the kingdom. That whereas the Italians were inveſted without trouble or charge, the Engliſh were forced to go and proſecute their right at Rome, contrary to the indulgences granted to England by former popes.

V. That in churches filled by the Italians, there were neither alms nor hoſpitality; neither were there any preaching, and the care of ſouls was entirely neglected.

VI. That the clauſe of Non-obſtante, generally inſerted in all bulls, abſolutely deſtroyed all laws, cuſtoms, ſtatutes, and privileges of the church and kingdom.

Theſe articles ſhew that the bulls granted by Innocent at the council of Lyons, were not executed, ſince the ſame grievances, which they ſeemed to redreſs, were ſtill complained of.

The pope continues his oppreſſions, M. Paris.

The letter of the king and barons had a contrary effect to what was expected. The pope accuſed the clergy of extorting it by their importunities, and took occaſion from thence to load them with new and unheard of taxes. He not only compelled the biſhops to ſign the emperor's excommunication [e], but moreover commanded each to find him a certain number of men well horſed and armed, to ſerve againſt that prince, pretending all churches were equally concerned in the war [f]. After this, to let the Engliſh ſee how little he valued their murmurs, inſtead of reforming the old, he introduced a new grievance, by claiming the adminiſtration of the goods of ec-

He claims the goods of inteſtate clergymen.

[e] In the council of Lyons the emperor Frederic was again excommunicated and depoſed; which depoſition the pope made the Engliſh biſhops ſign. M. Paris.

[f] He ordered ſome of the biſhops to maintain him ten ſoldiers, ſome five, others fifteen, for a whole year, at their own charges, well provided with horſes and arms, and to fight wherever his holineſs ſhould think convenient. M. Paris. He alſo granted the archbiſhop of Canterbury the firſt fruits of all the livings within his province.

cleſiaſtics

cleſiaſtics dying inteſtate. At firſt the king oppoſed the execution of theſe articles; but the fear of a threatned interdict and excommunication, obliged him, as formerly, to ſubmit to the pope's pleaſure. This compliance made the pope ſo imperious [g], that he impoſed a freſh tallage of a third part of their moveables upon clergymen that reſided on their livings, and of one half upon non-reſidents. This being the caſe, it is no wonder, if the popes were ſo unwilling to make peace with the emperor, ſince the war furniſhed them with a pretence to levy ſuch frequent taxes upon the clergy. The biſhop of London was commiſſioned to execute this new order, with power to excommunicate and ſuſpend the diſobedient. But whilſt this prelate and ſome others were met upon this occaſion, the king ſent them word not to conſent to this impoſition, whereupon they broke up their meeting. If Henry had as vigorouſly oppoſed all the other attempts of the court of Rome, he would have equally ſucceeded, ſince the pope thought not fit to puſh the matter any further, when he found a reſolute oppoſition [h].

He lays a heavy tax on the clergy, M. Paris. M. Weſt.

which the king effectually oppoſes.

The abſolute power claimed by the pope over Chriſtians, cauſed pernicious effects among ſome Engliſh biſhops, who imagined the church's authority to be unlimited. Upon this ground they pretended to extend it over civil affairs, becauſe there is hardly any thing but where religion may be made to interpoſe. The biſhop of Lincoln, prepoſſeſſed with this notion, took upon him this year to make ſevere inquiſitions concerning the life and manners of every particular perſon in his dioceſe. It may be, this was done with a good intent; but the danger was, that this incroachment would be imitated by others, and at length degenerate into a real tyranny. Accordingly, it was deemed a manifeſt uſurpation, to which the king put a ſtop by his own authority [i].

Attempt of the biſhop of Lincoln. M. Paris. p. 716.

[g] He impoſed a tallage of ſix thouſand marks upon the Engliſh clergy; which king Henry forbid the payment of, by his letter dated at Weſtminſter April 1, which ſee in M. Paris, p. 707. This matter was afterwards taken into conſideration by the parliament, "ubi "congregata fuerat totius regni tam "cleri quam militiæ generalis univer-"ſitas," as M. Paris expreſſes it, and was abſolutely forbidden. A parliament was aſſembled again at Wincheſter, July 7, to conſider of theſe matters. p. 709.

[h] So likewiſe in the caſe of adminiſtring to the clergy that died inteſtate, upon the king's prohibition and the mediation of the cardinals, the pope revoked this order. M. Paris.

[i] He ſent a writ to the ſheriff to hinder any perſon from making enquiry, unleſs in matrimonial and teſtamentary cauſes; which Tyrrel obſerves is an evidence of the antiquity of the king's prerogative to grant prohibition to ſtop the proceedings of biſhops in matters which belonged not to them. Vol. ii. p. 941. M. Paris.

Death of the king's mother. Id.

Iſabella, counteſs of Marche, and queen-dowager of England, the king's mother, died this year [k], after living in no great reputation, if we may believe certain hiſtorians [l].

1247. The pope's exactions. M. Paris. M. Weſt.

The year 1247, like the laſt, was ſpent in conteſts between the pope and the clergy; the firſt increaſing his oppreſſions, in proportion as the others vainly ſtrove to ſecure themſelves from them. In the beginning of this year, the biſhops and abbots were forced to make a preſent of a thouſand marks [m] to a new legate, ſent by the pope into England, upon no other account but to exact money from the clergy. At the ſame time, and for the ſame reaſon, there was a nuntio in Ireland, who procured five hundred marks [n]. As the king was ever ready to countenance the court of Rome's exactions, the pope was willing, in his turn, to ſhew him ſome mark of his gratitude. To that end, he ſent him a bull, ordaining, that for the future, no Italian, not even the nephew of a cardinal, or of the pope himſelf, ſhould be admitted to any benefice in England without the king's conſent: ample recompence for the vaſt ſums drawn every year by the pope out of the kingdom! A privilege beſides which ſignified nothing, for the pope was very ſure of obtaining the king's conſent, whenever he ſhould vouchſafe to aſk it.

Inſignificant privileges granted the king.

The king's three half-brothers arrive in England. M. Paris. M. Weſt.

To complete the misfortunes of the Engliſh, the king's three half-brothers, Guy de Luſignan, William de Valence, and Athelmar, ſons of the earl of Marche [o], came into England. The earl their father ſent them to the king, to be eaſed of their maintenance, and in expectation he would provide for them. When they arrived, they were deſtitute of all things, and had nothing to ſubſiſt upon but the favours of the king their brother. Henry was forced therefore not only to maintain them, but likewiſe to ſatisfy their avarice and ambition with preſents, places, and benefices, to the detriment of the Engliſh.

[k] She was daughter and heir of Aymer, earl of Angoulême (by Alice, daughter of Peter lord Courtney, ſixth ſon of Lewis le Gros king of France) and after king John's death remarried to Hugh Brun earl of Marche, and lord of Lusignan and Valence, in Poictou, by whom ſhe had ſeveral children aſſigned by Henry III. their half-brother. Iſabella, after her ſecond huſband's death, took the veil in the monaſtery of Fontevraud, and there dying, was interred in the abbey-church. The ancient queen Iſabella is enamelled in ſeveral places upon the tomb of William de Valence, earl of Pembroke, her ſon, in the chapel of St. Edmund in Weſtminſter-Abbey, being Lozenge, or, and gules. Sandf. Geneal. p. 83.

[l] This year alſo, king Henry granted the office of earl marſhal to Roger Bigod earl of Norfolk, who had married Maud, eldeſt daughter of William late earl marſhal. M. Paris.

[m] He demanded ſix thouſand marks of the biſhop of Lincoln alone. M. Paris.

[n] Six thouſand marks. M. Paris. M. Weſt.

[o] With their ſiſter Alice. M. Paris.

This

This ſame year William earl of Holland, a young prince of twenty years of age, was elected king of the Romans, by the intrigues of the pope, who had depoſed Frederic in the council of Lyons. But his holineſs did not find it ſo eaſy to put him in poſſeſſion of the empire, as to procure him the votes of part of the electors.

Earl of Holland elected king of the Romans. M. Paris. M. Weſt.

What fair promiſes ſoever the king made the parliament, upon their granting him the laſt aid, he had however performed nothing. And therefore, when he demanded a freſh ſupply of the parliament aſſembled in the beginning of the year 1248 [p], he received a very mortifying anſwer. He was aſked, how he could, without bluſhing, renew his demands, after ſo frequent breach of his word. He was upbraided for his immoderate kindneſs, and exceſſive bounty to foreigners; for his contempt of his native ſubjects; his negligence in encouraging trade and protecting merchants, of whom he even exacted impoſitions which were not due. Very ſharp complaints were made of his keeping in his own hands the vacant benefices, and conferring the prime offices of the ſtate, ſuch as thoſe of chancellor, treaſurer, juſticiary, on perſons not qualified, without ever vouchſafing to conſult his parliament. Henry, perceiving by the boldneſs of theſe reproaches, that it would be very difficult to bring the barons to any temper, prorogued the parliament, in order to gain time to conſider what he ſhould do.

1248. Henry receives a mortifying anſwer from the parliament. M. Paris.

During the prorogation, the pernicious counſels of his miniſters ſet him more and more againſt his ſubjects, and induced him to be entirely governed by the foreigners. Of this there quickly appeared a clear evidence in the extraordinary courage they inſpired him with, of which he was naturally incapable. When the parliament met, he upbraided the barons for endeavouring to impoſe upon him laws, to which they themſelves would think it hard to be liable: that every one of them was maſter in his own family; made uſe of what counſellors he pleaſed; put in and turned out his domeſtics without controul; but that he alone was treated like a ſlave by his own ſubjects [q]. In ſhort, he declared, that far from changing his mi-

He is entirely guided by foreigners.

He ſpeaks roughly to the barons. M. Paris.

[p] In the beginning of February. It conſiſted, according to M. Paris, of a great number of barons, knights, noblemen, and alſo abbots, priors, and clergymen. p. 783. He gives there an account of the biſhops and earls then preſent.

[q] This reaſoning is very fallacious, though it has all along been uſed by thoſe who do not conſider that a perſon's miſmanagement of his own private affairs affects none but himſelf; whereas the male-adminiſtration of a public miniſter is detrimental to the whole kingdom, and conſequently it highly concerns a nation, that the great officers of the ſtate be filled with good and able men.

niſtry at their pleaſure, he meant to be maſter in his own kingdom, and that it was their duty to obey. As for the other grievances complained of, he was contented with returning general anſwers, without ſpecifying any thing. After that, he told them he expected a ſpeedy aid of money, to enable him to recover the French provinces. This unſeaſonable haughtineſs ſerved only ſtill more to exaſperate the barons. They boldly replied, ſince he deſigned not to reform what was amiſs, they were not ſo ſenſeleſs as to continue to impoveriſh themſelves for the ſake of foreigners, under pretence of an imaginary war. This anſwer leaving the king no hopes, he choſe to diſſolve the parliament, for fear they ſhould proceed to more vigorous reſolutions. Mean time, as his treaſure was quite exhauſted, he was forced to ſell his plate and jewels, which were ſoon bought up by the citizens of London. He was extremely incenſed to ſee the Londoners ſo readily find money to purchaſe his jewels, and yet continually plead poverty when he wanted a ſupply. This conſideration put him ſo out of humour, that he eſtabliſhed a new fair at Weſtminſter, during which all commerce was prohibited in London [r]. So far was he from hearkening to the complaints of the merchants on this occaſion, that he gave them freſh marks of his diſpleaſure in keeping his Chriſtmaſs in the city, and compelling them to preſent him with large new-year's gifts. Shortly after he demanded alſo a ſupply of money, and in ſpite of their endeavours to the contrary, they were conſtrained to give him two thouſand pounds ſterling [s].

Their anſwer.

The parliament diſſolved.

The king ſells his jewels.

A fair at Weſtminſter to vex the Londoners;

of whom he extorts preſents.

1249. But ſo trifling a ſum not ſufficing for his wants, he bethought himſelf to borrow money of the barons, biſhops, abbots, merchants and richer ſort of citizens in the kingdom. But as he found he was unable to force them to what he deſired, he applied to them in ſo mean and cringing a manner, that one would have thought he was begging an alms [t]. Notwithſtanding this debaſing of himſelf, he was refuſed by the greateſt part, who pleaded poverty, though he pretended

He uſes in vain other means to raiſe money.

[r] It was to laſt fifteen days, and began October 13. All fairs that uſed to be kept at that time, ſuch as that of Ely, &c. were prohibited all over England. Mat. Paris.

[s] At this time the money was ſo shamefully clipped, even within the mint itſelf, by the Jews, changers, and money-changers, that it was ordained, that money ſhould be taken only by the weight, and no pieces ſhould paſs but what were weighed. And in the new money that was coined, to prevent clipping, threads and letters were ordered to reach quite to the edge of each piece. This gave occaſioned a great deal of confuſion, and proved a great obſtruction to trade for ſome time. M. Paris. Annal. Waverl.

[t] He not only applied to the nobility, but alſo to all the abbies in the kingdom; and got ſixty marks of St. Alban's monaſtery in particular. Matt. Paris.

to

to be under an indispensable necessity of making war upon France. But he could not possibly have invented a worse pretence: every one knew he was strictly forbidden by the pope to disturb the territories of the French king during his absence, he being gone this year to the Holy Land. The true reason that engaged him thus in search of money, was his being deeply in debt without having wherewithal to pay: besides, his brothers, to whom he could not refuse any thing, never regarded his wants, but continually pressed him with their unreasonable demands. His fondness for them was such, that he missed no opportunity of heaping favours on them, though he could not be ignorant that every favour gave fresh cause of discontent to the English barons.

Shortly after, the bishopric of Durham becoming void, Henry earnestly recommended Athelmar, the youngest of his brothers, though he was far from being of a sufficient age and capacity to govern so large a diocese: accordingly that objection was made to him by the monks of Durham. They moreover represented to him, that he had often promised to leave to the churches the freedom of elections, and therefore humbly intreated him to let them enjoy the effect of his promises. Henry, offended at these remonstrances, returned in answer, "That since they thought his brother too "young, he would keep the bishopric in his own hands till "he should be of a fit age."

He tries in vain to make his brother bishop of Durham.

Alexander II. king of Scotland, died this year, leaving Alexander III. his son, of eight years of age, to succeed him.

Alexander III. king of Scotland.

About this time, the king being informed that certain Gascon lords were revolted, sent into Guienne Simon de Montfort earl of Leicester, who reduced the rebels to obedience, and gained a great reputation [u].

Earl of Leicester sent into Guienne. *Act. Publ. tom. i. p. 449*

1250.

In the beginning of the next year, prince Richard, the king's brother, set out with a magnificent retinue, to confer with the pope, who was still at Lyons. This journey and the extraordinary honours paid him by the pope, afforded matter for divers speculations, which exercised the wits of the politicians. But the real motive thereof was unknown till some years after.

Prince Richard confers with the pope at Lyons. *Mat. Paris. p. 772. M. Westm.*

u This year, [illegible] after, there was an assembly of the great men at London, in order to have what the king had frequently promised them put in execution, namely, such a chancellor, justiciary, and treasurer chosen, as they liked. But their endeavours proved unsuccessful by prince Richard's deserting their party. Mat. Westm. This year also died the famous Hugh de Brun, earl of Marche, so often mentioned. Mat. Paris.

How

Henry takes the croſs. Act. Publ. tom. i. p. 451—456 Mat. Paris. M. Weſtm.

How preſſing ſoever the king's neceſſities were, he took the croſs from the hands of the legate, and vowed to go againſt the Saracens of Paleſtine. His example was followed by above five hundred knights [w], and an incredible number of eſquires and people of an inferior condition. After all the denials Henry had met with from the parliament, he muſt have foreſeen how difficult it would be to obtain an aid ſuitable to an undertaking of that nature: and therefore his deſign was not to go the voyage, but to draw from the parliament a large ſubſidy on that pretence, in a belief they durſt not deny him. At leaſt, he was perſuaded the methods he ſhould uſe to exact money from his ſubjects would be authorized by ſo plauſible a reaſon. Beſides, he was very ſenſible that with part of the money he could eaſily procure a diſpenſation of his vow. His conduct afterwards confirms this conjecture.

Be this as it will, thoſe that had taken the croſs with the king, prepared themſelves with all ſpeed; and perceiving he made no preparations, offered to go without him. Their haſte was very diſpleaſing to him, as it too plainly diſcovered his backwardneſs in a cauſe where all the world ſtrove to ſhew marks of their zeal. To remedy this inconvenience, he deſired the pope to hinder his ſubjects from going before he was ready to head them. This favour was readily granted, and the intereſts of the king of France, who might have made good uſe of this reinforcement, were ſacrificed to the pope's deſire of contenting the king of England. Innocent forbid the Engliſh, under pain of excommunication, to ſet out before the king; and by that means all the charges they had been at for their voyage became uſeleſs. If this prohibition raiſed many murmurs in England, it was not more favourably conſidered in France; every one openly ſaid it was a plain caſe, the pope did not much trouble himſelf whether Lewis ſucceeded in his expedition, ſince he deprived him of the aſſiſtance of the Engliſh croiſes.

The pope forbids the croiſes to ſet out before the king. Mat. Paris.

Inquiſitions touching the foreſts.

Mean time, Henry not daring to demand money of the parliament, uſed all ſorts of methods to raiſe it elſewhere. One of his moſt effectual methods was, to commiſſion a judge entirely devoted to him, to make inquiſition in all the counties, concerning treſpaſſes upon the royal foreſts. This commiſſion was in itſelf very odious, ſince it included all the caſes excepted in king John's charter. But the manner in which

[w] Among whom were the earl of Leiceſter, William Longeſpee, Nicolas the king's ſteward, William de Valence, Paulin Piper, John Manſel, Philip Luvel, etc Mat. Paris. Mat. Weſtm. Rymer's Fœd. tom. i. p. 447.

it was executed by the inquiſitor, rendered it ſtill more intollerable, for he puniſhed the leaſt fault by exceſſive fines, or confiſcation of eſtate. By theſe arbitrary proceedings he procured the king a large ſum of money, but withal drew on him the hatred and curſes of the people [x].

Amidſt theſe tranſactions, Henry was not unmindful of his relations. The biſhopric of Wincheſter, the richeſt in the kingdom, being vacant, the king ſtrongly recommended his brother Athelmar, whom the chapter of Durham had refuſed the laſt year. He was not ſatisfied with ſending recommendatory letters, but would go in perſon to Wincheſter, to ſupport his intereſt by his preſence. On the day of election he came into the chapter-houſe, and made a ſhort ſermon upon this text, "Righteouſneſs and peace have kiſſed each "other;" which he applied, in the beſt manner he could, to the buſineſs in hand. Though he met at firſt with great oppoſition, by reaſon of the youth and inſufficiency of the perſon recommended, yet by his promiſes and threats he at laſt obtained his deſire. The pope, to pleaſe the king, failed not to confirm the election, intending to aſk him another favour in his turn.

Henry cauſes his half-brother to be elected biſhop of Wincheſter. Hpp. 800, etc. T. Wikes.

The ſad news had now reached Europe of the king of France's misfortune in falling into the hands of the Saracens, who detained him in priſon [y]. All France openly charged the pope with being the cauſe of their monarch's diſgrace, by abſolving for money thoſe that had taken the croſs from performing their vow. Amidſt theſe murmurs Innocent was very uneaſy at Lyons; dreading an attempt upon his perſon. Charles and Alphonſo, brothers of St. Lewis, came on purpoſe to upbraid him in an outrageous manner, and proceeded ſo far as to threaten him. To free himſelf from this troubleſome ſtate, and from the complaints which perpetually ſounded in his ears, he deſired leave of the king of England to reſide at Bourdeaux. Henry was willing to gratify him, but was prevented by the remonſtrances of the clergy and barons: they

The king of France taken priſoner by the Saracens, which the pope is blamed for. Mat. Paris.

The pope aſks Henry leave to reſide at Bourdeaux.

[x] This unjuſt and pernicious project was ſet on foot by Robert Paſſelew, and the inquiſitors (for there were two, namely Robert of St. Alban's a clerk, and Geoffrey de Langley a knight) made nothing of ruining divers of the beſt quality (eſpecially in the north) for killing but a deer or a hare, though it were in the very highway; and clapped up ſeveral gentlemen in priſon but for muttering againſt their unjuſt proceedings. Mat. Paris.

[y] He was taken in a battle near Damietta, in which all the Knights Templars were ſlain except three, and all the Knights Hoſpitallers except four. There fell likewiſe in the ſame battle the following perſons of note, Ralph de Coſey, Hugh earl of Flanders, Hugh Brun earl of Marche, the earl of Pontheiu, William Longſword, Robert de Vere, and about eight thouſand two hundred ſoldiers, or, according to others, eighty thouſand. Id. p. 793.

Were

were apprehenſive the pope would paſs from Bourdeaux into England, where his company was by no means deſired. So the king delayed ſending an anſwer, which the pope took for what it was indeed, a civil denial.

The king returns no anſwer.

The affairs of Sicily.

As I am ſoon to enter upon an affair which wholly employed Henry ſeveral years, I think myſelf obliged to ſhew, by way of digreſſion, the riſe and progreſs thereof; I mean the pope's donation of the kingdom of Sicily to prince Edmund, ſon of our Henry. But to give an idea of this matter that may ſerve for the better underſtanding the ſequel, it will be neceſſary not only to ſee what paſſed in Italy at the time of this donation, but alſo to take the thing from its firſt original. This digreſſion will not ſeem impertinent, when this unhappy affair will be ſeen hereafter to be a fertile ſource of oppreſſions upon the Engliſh, as well from their king as the Roman pontiffs. Beſides, it ſerves to diſcover three things, equally remarkable in the hiſtory of this reign: firſt, the character of Henry, and his indiſcretion to engage in the moſt difficult undertakings, without foreſeeing the obſtacles: ſecondly, the authority aſſumed by the popes in England, and their manifeſt abuſe of it: laſtly, we ſhall ſee, this affair was the chief occaſion of the troubles in the end of this reign. Though the events I am going to relate formerly made a great noiſe, and deſerved the greater attention, yet as they belong not properly to the hiſtory of England, I ſhall abridge them as much as poſſible, and ſay no more than is abſolutely neceſſary for the ſequel of this reign.

Every one that is the leaſt verſed in the hiſtory of Europe, knows that towards the cloſe of the eleventh century, ſome Norman nobles, ſons of Tancred de Hauteville, conquered the iſland of Sicily upon the Saracens; and Apulia, Calabria, and ſeveral other ſouthern provinces of Italy, upon the emperors of Conſtantinople. Theſe firſt conquerors, from a religious principle, or ſome other motive, did homage to the pope for their conqueſts, and made themſelves vaſſals and feudataries to the church of Rome, though ſhe gave them nothing, nor had even promoted their undertakings. Whatever their policy might be in thus ſubmitting to the holy ſee, it is a fact beyond all diſpute. The conqueſts of the Normans were at firſt divided into ſeveral parts, whereof Sicily beyond the Faro, or the Iſland of Sicily, made a kingdom of itſelf. The reſt was divided into dukedoms or principalities, under the name of Sicily on this Side the Faro, of which Calabria and Apulia were the chief: this is what was afterwards called the kingdom of Naples. All theſe ſeveral parts, I mean

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the two Sicilies, were at length reduced into one kingdom, under Roger I. Tancred's youngeſt ſon, who aſſumed the title of King of Sicily. He had for ſucceſſor William I. his ſon, ſirnamed the Bad, to whom ſucceeded William II. his ſon, called the Good, to diſtinguiſh him from his father. William the Good dying without iſſue, the Sicilians thought fit to place on the throne Tancred, baſe ſon of Roger I. who added to the title of his predeceſſor that of King of Naples, or Sicily on this Side the Faro. It is neceſſary to obſerve, that by Sicily is meant ſometimes the Iſland of Sicily alone, ſometimes both the Sicilies together as making but one kingdom.

Clement III. who ſat in the papal chair in the time of Tancred, conſidered the proceedings of the Sicilians as an incroachment upon his rights: he pretended, that by the death of William the Good without heirs, the two Sicilies were devolved to the holy ſee, and as lord paramount he could diſpoſe of them as he pleaſed. Mean time, as ſpiritual weapons were incapable of dethroning a prince in poſſeſſion, Clement ſent into Apulia and Calabria an army, which at firſt made ſome progreſs: but death ſeizing him preſently after, prevented him from puſhing his enterprize any further. Celeſtine III. his ſucceſſor, reſolved to purſue what his predeceſſor had begun; but perceiving he could not compaſs his ends with his own forces alone, he deemed it neceſſary to engage in this quarrel ſome prince who was able to ſupport him. For that purpoſe he inveſted the emperor Henry VI. with the two Sicilies, on condition of the homage to which the firſt Norman kings had obliged themſelves to the Roman church. However, it was to be feared, ſo arbitrary an act, eſpecially in favour of a foreigner, would exaſperate the Sicilians, and attach them more firmly to Tancred. To prevent this inconvenience, and give withal ſome colour of juſtice to what he had done, he cauſed Conſtantia, daughter of Roger I. to be taken out of the monaſtery of St. Saviour's at Palermo, of which ſhe was abbeſs[z]. This princeſs, who was then fifty years of age, being brought to Rome, the pope abſolved her from all her vows, and gave her in marriage to Henry, thereby to add a more plauſible right to the grant he had made that monarch. Beſides, by means of this marriage he hoped

[z] Mezerai ſays, that Conſtantia was never a nun; but Gio. Summonte, hiſtorian of Naples, aſſures us ſhe was abbeſs of St. Saviour's. Fazellus, hiſtorian of Sicily, ſays that pope Celeſtine abſolved her from her vows; and that this appears even from the decrees of that pope, now in the archives at Rome. Rapin.

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to ſow among the Sicilians ſeeds of diſſenſion, of which himſelf and the emperor might reap the advantage. Henry, ſupported by this additional right, immediately headed his army, and marched into Apulia, where however he made no great progreſs, by reaſon of a peſtilence among his troops, and of ſome other affairs which obliged him to return to Germany.

So Tancred kept the crown of Sicily till his death, in 1145. William III. his ſon ſucceeded him.

Henry no ſooner heard of Tancred's death, but he marched back into Italy and beſieged the city of Naples, which made a vigorous defence. The reſiſtance of the Neapolitans cauſing the emperor to deſpair of accompliſhing his undertaking by force, he reſolved to uſe artifice. To that end he propoſed to the king of Sicily, to decide their quarrel by a treaty. William's apprehenſion of loſing all his dominions, made him readily conſent to be diſpoſſeſſed of a part, in order to purchaſe peace of a competitor much more powerful than himſelf. By the treaty it was agreed the emperor ſhould have the iſland of Sicily, and William the kingdom of Naples. Purſuant to this agreement Henry came to Palermo, and was crowned. But whilſt William was preparing to retire to his kingdom, Henry ſeized his perſon and ordered him to be conducted to Germany, where this unfortunate prince was deprived of his ſight and caſtrated. Henry being thus without a rival, took poſſeſſion of the kingdom of Naples, in ſpite of the endeavours of certain lords of Norman race to the contrary.

The emperor's affairs being thus proſperous, he ſent for his empreſs, who was big with child though fifty-two years old. Her time of delivery being come whilſt ſhe was on the road, ſhe ſtaid at Geſſi, a little town on the frontiers of Ancona, where ſhe ordered all the women of the town, that had the curioſity, to be eye-witneſſes of her delivery. To that purpoſe ſhe cauſed a pavilion to be erected in the middle of the market place, where ſhe was delivered of a prince called Frederic. From that time Henry kept poſſeſſion of the two Sicilies till his death, which happened not before the year 1199.

This monarch left his ſon Frederic, aged eleven years, under the guardianſhip of his mother Conſtantia, who immediately cauſed him to be acknowledged king of the two Sicilies, and to be crowned two years after at Palermo. After that, he was inveſted by Innocent III. who was then pope. Conſtantia his mother dying three years after, left the guardianſhip of her ſon to Innocent, who governed the two Sicilies

cilies by a cardinal during Frederic's minority. This young prince being arrived at fourteen years of age, married Conſtantia, daughter of Alphonſo IV. king of Caſtile; and two years after was elected emperor by the oppoſite party to Otho of Saxony, whom the pope had excommunicated. He could not however prevail with Innocent to ſet the imperial crown on his head, the pope dreading it might be dangerous to the holy ſee, to raiſe to the empire a prince of the houſe of Suabia, which had been ſo troubleſome to his predeceſſors. It was not till the year 1220, and after the death of Otho, that Frederic was crowned by Honorius III. Conſtantia his wife died two years after, leaving him a ſon called Henry, who in 1223 was elected king of the Romans. Afterwards he married Yolante, daughter of John de Brienne, titular king of Jeruſalem, who died in 1228, leaving him a ſon named Conrade. In fine, in 1235, Frederic took for his third wife, Iſabella of England, who died in 1241, having brought him two princes, Jordan and Henry, the firſt of which died a child.

Having mentioned this emperor's ſeveral marriages, the knowledge whereof is abſolutely neceſſary, it is time to ſpeak of his conteſts with the popes. Ever ſince Richard king of England quitted Paleſtine, the affairs of the Chriſtians in thoſe parts were in a very ill ſituation. The Saracens taking advantage of the coldneſs of the Europeans, with regard to the cruſades, made great progreſs, and the Chriſtians never thought of forming any freſh attempts againſt them. Honorius III. who ſat in the papal chair in the beginning of the reign of Frederic II. deſiring to retrieve the Chriſtians loſſes in the Holy Land, publiſhed in the year 1224, a cruſade, in which infinite numbers of people of all conditions engaged. An hiſtorian aſſures us, that above three thouſand Engliſh took the croſs for that expedition, of which Frederic was to be head, both as emperor, and as ſon-in-law to John de Brienne, titular king of Jeruſalem.

Whilſt all Europe was preparing for this undertaking, ſome diſputes unexpectedly ariſing between the emperor and certain cities of Italy, retarded that prince's preparations, who was willing to ſee an end of theſe conteſts before his departure. Gregory IX. ſucceſſor to Honorius, finding Frederic proceeded but ſlowly, in compariſon of the other cruſa-, wrote him a letter, exhorting him to perſevere in his pious reſolutions. He repreſented to him, that the ſucceſs of the cruſade depended on him, ſince the management was committed to his care.

Mean time, the croiſes of the ſeveral ſtates of Europe repaired in multitudes to the Holy Land, expecting to be ſoon followed by their general. But Frederic choſe rather to employ his forces againſt the revolted cities of Italy, than againſt the Saracens. Nevertheleſs, as he was earneſtly preſſed by the pope, he pretended to prepare indeed, and even went and embarked at Brindiſi. But after being three days at ſea, he ſailed back, on pretence of a ſudden illneſs, which he feigned to be ſeized with, as moſt hiſtorians affirm. This news reaching Paleſtine, above forty thouſand of the croiſes who were gone before, returned in the ſame ſhips that brought them thither. The pope, inraged to ſee ſo fair an opportunity loſt by the emperor's fault, as he pretended, publicly excommunicated him, and ſent the bull of excommunication to all the princes of Chriſtendom, to be publiſhed in their dominions. It is not however agreed by all, that the pope's ſeverity to Frederic proceeded from the ſole motive of religion. Some affirm, it was only a pretence to break the emperor's meaſures in Italy, in favour of the revolted cities, which were privately countenanced by the court of Rome. Be this as it will, it gave birth to a quarrel which occaſioned innumerable calamities to Europe, and particularly to Italy. Frederic, incenſed at the pope's proceedings, took care to juſtify his conduct to all the potentates of Europe, by letters wherein the pope was ſeverely handled. But he was not ſatisfied with ſo ſlight a revenge. By means of a powerful party in Rome, he expelled Gregory thence, and forced him to take refuge at Perugia. However, to ſhew his illneſs was the ſole cauſe of his delay, and that conſequently the excommunication denounced upon him was unjuſt and raſh, he ſet out the next year for Paleſtine. The progreſs of his arms in that country was ſo great and rapid, that in a ſhort time he compelled the ſultan of Egypt to deliver up Jeruſalem. He would have puſhed his conqueſts farther, if the knights hoſpitallers, who were gained by the pope, had not laid obſtacles in his way, by their daily plots againſt him. On the other hand, Gregory, offended that the emperor regardleſs of his cenſures ſhould dare to undertake the expedition before he was reconciled to the church, and without making, as he accuſed him, preparations ſuitable to ſo great an undertaking, renewed his excommunication, for two contrary faults. Firſt, for too long deferring his departure. Secondly, for departing too ſoon. But the pope, not content with attacking him with ſpiritual, employed likewiſe temporal arms. He ſent

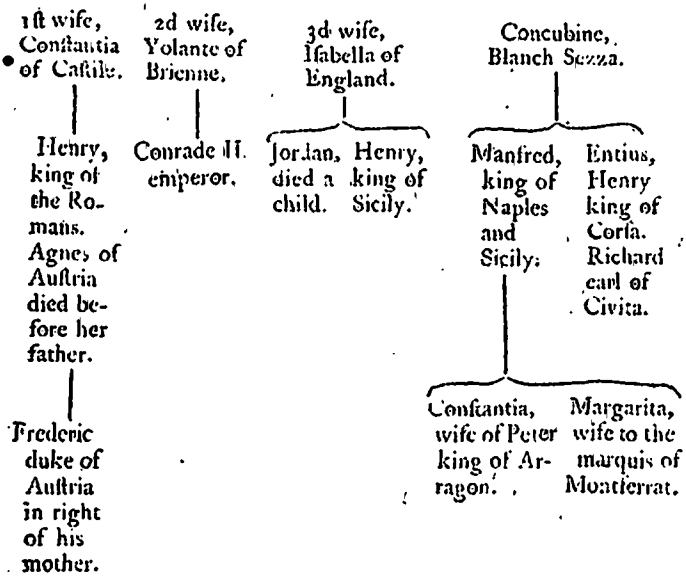
John

John de Brienne, father-in-law to Frederic, at the head of an army, into the kingdom of Naples, with the title of Vicar of the Holy See, to wreſt from his ſon-in-law that part of his dominions.

The quarrel between the emperor and the pope ſtill encreaſing, all the cities of Italy joined with one or other. Then were formed the two factions of the Guelfs and Gibelines, which ſo long harraſſed that country, the former for the pope, the latter for the emperor. It will be needleſs to relate here the bloody wars that enſued. Wars, which frequently gave occaſion to think, that zeal for religion was not the principal motive of the Roman pontiffs. It ſuffices to ſay, that Gregory's ſucceſſors eaſily purſued his project of wreſting from Frederic not only the Sicilies, but all Italy, and the empire itſelf. In fine, Innocent IV. having publicly depoſed him in the council of Lyons, cauſed William earl of Holland to be elected emperor in his place. But, notwithſtanding this pretended depoſition, Frederic kept poſſeſſion of the throne till his death, about the end of the year 1250.

To give a diſtinct notion of the affairs of Sicily, wherein England will preſently be concerned, it may not be amiſs to add here, part of the genealogy of the family of Frederic II. extracted from the hiſtory of Naples, by Giovanne Summonte.

FREDERIC II. Emperor.



The ſame day Frederic died, he made a will, and left Auſtria to Frederic his grandſon, of which the young prince was already in poſſeſſion, in right of his mother. To Conrade his ſecond ſon, he gave the kingdom of Naples or Sicily on this ſide the Faro, upon condition, that if Conrade died without iſſue, his brother Henry, ſon of Iſabella of England, ſhould ſucceed him, and in caſe he died alſo without heirs, Manfred his baſtard ſon ſhould inherit. This Henry, ſon of his third wife, was to be king of the iſland of Sicily, and Manfred his natural ſon was to have the principality of Tarentum, with the regency of the two kingdoms, namely, of the firſt, in the abſence of Conrade; and of the ſecond, during Henry's minority.

As ſoon as Frederic was in his grave, Manfred would have taken poſſeſſion of the kingdom of Naples, in the name of Conrade. But the pope's party were ſo powerful, when they had nothing more to fear from the emperor, that the principal cities, as Naples and Capua, ſhut their gates againſt him. This reſiſtance forced him to call his brother Conrade into Italy, who upon Frederic's death, aſſumed the title of

emperor, though William earl of Holland was acknowledged by the pope and his party. Upon the arrival of Conrade, things had another face, and he made the Neapolitans often repent of espousing the pope's quarrel. Mean time, Innocent used all possible means to stop his progress. He thundered his censures against Conrade, as he had done against Frederic his father, and by aiding the Guelfs his adherents, he kept up the war in Italy, in expectation of a more favourable juncture. Here I shall end this long digression, which I hope will not be deemed needless, when we come to see how far England was concerned in this quarrel. But to return to our history.

The year 1251 was ushered in with the first instance of the clause of Non-obstante, in the orders of the king, in imitation of the pope, who had used it long since in his bulls. The bishop of Carlisle having a law-suit [a] with a certain baron of his diocese, and being obliged to go to France, obtained an order from the king, that the suit should be stopt till his return. But, during his absence, his adversary found means to obtain a second order with this clause, Non-obstante, or "notwithstanding the former order, the baron's "cause should not be delayed [b]."

1251. First instance of the clause Non-obstante in the king's orders. M. Paris. p. 810. M. West.

Besides the principles of arbitrary power, instilled by Hubert de Burgh and the bishop of Winchester into Henry in his youth, and which he usually made the rule of his conduct, he had moreover another reason to induce him to have but little regard for his subjects. This was the consideration of the advantages gained by the earl of Leicester over the rebels of Guienne. Ever since the earl was governor of that province, he had served his master so faithfully, that in all appearance, he would have nothing to fear for some time, from the inconstancy of the Gascons. As Henry was soon daunted, so a very small matter sufficed to raise his courage. The chastisement of the Gascons making him imagine, their example would keep the English in awe, he fancied for the future he might use them as he pleased. Accordingly, without regarding the continual murmurs of the barons, on account of the preference given to foreigners,

Henry slights the English. M. Paris.

[a] About a manor bought of a baron by the bishop's predecessor, which the baron would have recovered again. M. Paris.

[b] After this, these writs or orders, with that detestable addition of Non-obstante, became very frequent, which being observed by Roger de Thurkeby, one of the king's justices, he said with a deep sigh, "Alas! what times are "we fallen into! Behold, the civil "court is corrupted in imitation of the "ecclesiastical, and the river is poison-"ed from that fountain." M. P. [illegible] This is the original and rise of Non-obstante's in the king's writs and charters. Tyrrel observes, that this is omitted by Dr. Brady.

 he

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Return of Guy de Lusignan the king's half brother, whom he loads with presents.

he affected to receive, with excessive civilities, Guy de Lusignan his half brother, whom the earl of Leicester brought with him, when he came to acquaint him with what was done in Guienne. He made him such considerable presents, that they would have appeared extravagant, even though he had abounded in riches. These things caused the barons to redouble their complaints. They could not bear that the king should give so many marks of his affection to foreigners, whilst he slighted his own native subjects.

Interview of the kings of England and Scotland. Act. Pub. T. i. p. 466. Alexander marries the princess Margaret. C. Mailros. Henry presses him to do homage for all Scotland; which he refuses.

Henry's wants, and his little prospect of drawing a supply from the parliament, made him forget his expedition to the Holy Land. But, on a sudden, he was admonished by a letter from the pope, that it was time to perform his vow. He was then at York, celebrating the nuptials of the princess Margaret his daughter, with the young king of Scotland [c]. This wedding was not the sole motive of his being at York. As the prince his son-in-law was very young, he hoped to persuade him to do homage for the whole kingdom of Scotland. He was very urgent with him, but the young prince excused himself very handsomely. He represented to him, that he was come to York to be married, and not to debate an affair of that nature, liable to many difficulties, and upon which he could determine nothing, without consulting the states of his kingdom. However, he did the customary homage for the lands held of the crown of England [d]. Whether Henry thought his pretensions were not well-grounded, or was unwilling to disturb the nuptial feast, by insisting on his demand, the affair went no farther. We shall see in the next reign, that these same pretensions were the ground of a bloody war between England and Scotland [e].

1257. The king extorts money from the Jews. M. Paris.

This interview ending to the satisfaction of the two kings, Henry seemed willing to prepare for his voyage to the Holy Land. As money was the most necessary preparation, he took this occasion to extort great sums from the Jews, nor were his christian subjects less spared. But what could be obtained by these means, was not sufficient to enable him to make an expedition to the east, worthy a successor of Richard, whose memory was still fresh among the Saracens.

[c] On Christmas [illegible], King Alexander III. was knighted by Henry, and married early next morning. M. Paris.

[d] For Lothian and other lands. M. Paris.

[e] This year part of Wales was wholly subdued, and received the English laws, and that part of it which [illegible] upon Chesnire was committed to the government of Alan de Zouche, who answered to the king eleven hundred marks a year. Id. p. [illegible].—This year also, February 17, a parliament was held at London. Id. p. [illegible].

Whilst

Whilſt the king was employed in preparing for his pretended voyage, there came deputies from the Gaſcons, complaining of being unjuſtly oppreſſed by the earl of Leiceſter. The earl hearing of theſe complaints, went to the king to juſtify himſelf, and denied whatever was laid to his charge: Adding, he could not but wonder, that the king ſhould give ear to the frivolous complaints of the rebellious Gaſcons, againſt one that had ſerved him ſo faithfully, and ſpent all his eſtate in a poſt where others were wont to inrich themſelves. Henry replied, he gave no credit to the accuſations; on the contrary, to make his innocence the more conſpicuous, he was reſolved to ſend commiſſioners into Guienne [f], to take informations concerning the behaviour of the Gaſcons. Mean time, to convince him, that theſe accuſations had made no ill impreſſions on him, he furniſhed him with money, and ordered him to prepare to return to Guienne.

The Gaſcons complain of the earl of Leiceſter, who vindicates himſelf. M. Paris.

But the king ſends commiſſioners into Guienne. Act. Pub. T. i. p. 474.

Before the earl was ready to depart, the Gaſcons being informed of the king's deſign to ſend him back, deputed the archbiſhop of Bourdeaux, to renew their complaints. Whilſt the archbiſhop was at London, the commiſſioners that were ſent to Guienne, returned [f]. They reported, that indeed the earl of Leiceſter had treated a little ſevere ſome lords of that country; but however, had only uſed them according to their deſerts. Though Leiceſter was fully cleared by theſe reports, yet the king was perſuaded by the archbiſhop of Bourdeaux, that if the earl returned to Guienne, nay, if he was not puniſhed, that province would be irrecoverably loſt to the crown of England. This notion was ſo deeply imprinted on the king's mind, that to ſecure the allegiance of the Gaſcons, he reſolved to ſacrifice their governor to their reſentment. To that purpoſe, he ordered their accuſation to be brought before their peers, not queſtioning but he ſhould have intereſt enough to get him condemned. Mean time, Leiceſter, though ſurprized at the king's ſudden change, was not idle. He found means to gain prince Richard, the earl of Gloceſter, and ſeveral other lords of great credit, who promiſed to ſupport him. Upon this aſſurance he appeared in court, and vindicated himſelf with ſuch ſtrength and evidence, that the archbiſhop of Bourdeaux was at a loſs how to maintain his accuſation. Beſides, whenever he offered to

The archbiſhop of Bourdeaux renews the charge againſt Leiceſter. M. Paris. p. 836.

The king reſolves to ſacrifice him.

Has him tried by his peers.

[f] He ſent privately Henry de Wengham to examine into his actions and behaviour. Id. p. 835.

[f] The earl of Leiceſter was gone over to Guienne, ſome time before the archbiſhop of Bourdeaux's arrival; and upon news of the firſt ſucceſs, ſpeedily returned to England again. Id. p. 836.

ſpeak in defence of what he advanced, he ſaw the principal lords always ready to back their friend's arguments. The king, perceiving the affair was like to end contrary to his expectation, could not help ſhewing his uneaſineſs, and even dropping ſome expreſſions very injurious to the party accuſed. As the earl of Leiceſter, not content with juſtifying his actions, boaſted moreover of his ſervices, and boldly called upon the king to perform his royal word, by rewarding him according to his promiſe, Henry ſharply replied, "He did not "think himſelf obliged to keep his word with a traytor." This anſwer had ſuch an effect on the earl, who was in a paſſion before, that not conſidering he was ſpeaking to his ſovereign, he told him, he lied: "And were he not a king, he "would make him eat his words." Then after ſome inſolent expreſſions, added, "That it was hard to believe ſuch "a prince was a chriſtian, or had ever been at confeſſion." "Yes," anſwered the king, "I am a chriſtian, and have "often been at confeſſion." "What ſignifies confeſſion," replied the earl, "without repentance?" "I never repented any "thing ſo much," ſaid the king, "as the beſtowing my "favours on one that has ſo little gratitude, and ſo much ill-"manners." After this, he would have apprehended him, but finding the earl's friends were ready to oppoſe it, he was ſeized with fear, and durſt not execute his deſign. Nay, he ſuffered them to ſpeak in the earl's behalf, and without being revenged for the affront he had received, he was contented with a ſlight ſatisfaction, and was outwardly reconciled to him. However, the earl's inſolence made ſo deep an impreſſion upon his mind, that he could never look upon him without horror; which is the leſs to be wondered at, becauſe this doubtleſs is the only inſtance of a ſubject's giving his ſovereign the lie to his face. For which reaſon one ſhould hardly believe ſo extraordinary a fact, were it not unanimouſly atteſted by all the hiſtorians.

The king calls him traytor.

He gives the king the lie.

The king durſt not apprehend him, and is reconciled to him.

How mortally ſoever the king hated the earl of Leiceſter, he ſent him governor again to Guienne [h], in order to remove him from England, where his credit was too great. Beſides, he was apprehenſive, the earl would obſtruct his deſign of conferring Guienne on prince Edward his eldeſt ſon, which

The earl is ſent to Guienne. M. Paris. Prince Edward inveſt-

h Matthew Paris ſays, the king told him upon going off, "That if he was "ſuch a lover of war, he might there "find employment enough, and alſo "a reward anſwerable to his merits, as "his father had done before him." To which the earl boldly replied, "That "he would go over, and never return "till he had entirely ſubdued the enemies, and reduced the rebellious ſubjects of an ungrateful prince." M. Paris.

was

was immediately done after his departure. The Gaſcons were overjoyed at this change. As they had no longer the ſame reaſon to fear Leiceſter who was going to be recalled, they laid ſo many ſnares for him, that he had like to have been ſurprized. For his part, he made them frequently feel the effects of his reſentment before he left the province.

ed with Guienne. M. Weſt.

The affront lately received from the earl of Leiceſter was not the only thing that diſturbed the king. He was ſtill more ſenſibly touched with the clergy's denial of a ſubſidy. As he was convinced that a bare demand would be to no purpoſe, he took care to have it ſupported by an expreſs order from the court of Rome. Innocent alledging for pretence, that the king could not poſſibly proceed without an extraordinary aid towards his voyage to the Holy Land, commanded all eccleſiaſtics to pay him the tenths of their revenues for three years [1]. The clergy being aſſembled on this occaſion, three or four biſhops gained by the king, and particularly the biſhop of Winchester his half-brother, voted in his favour. But the biſhop of Lincoln ſtrenuouſly oppoſed it, and got the majority to agree to petition the king, for his ſoul's health, to deſiſt from his demand. The petition ſerved only to exaſperate the king. He ſent them word to take care what they did, ſince they not only oppoſed their temporal and ſpiritual ſovereign, but alſo the univerſal church, and Jeſus Chriſt himſelf. But without regarding theſe menaces, the clergy returned a very offenſive anſwer, by which they ſeemed to throw off all reſpect for him. They upbraided him in very harſh terms, for his extortions, tyranny, breach of promiſes and oaths, and then broke up, without waiting his anſwer, on pretence that both the archbiſhops being abſent, they could do nothing without the conſent of their primates [k]. Henry, perceiving he could obtain nothing from this aſſembly, tried to gain the principal members by careſſes. To that end, he ſent for the biſhop of Ely, and cauſing him to be brought into his cloſet, received him very graciouſly, in order to extort ſome promiſe from him. But this prelate, who was no courtier, far from having any complaiſance for the king, expreſſed himſelf very roughly. He plainly told him, it was a folly to engage in an expedition to the Holy-Land, and that he ought to take warning by the unfortu-

Henry demands a ſubſidy of the clergy. M. Paris.

Act. Pub. T. I. p. 463.

They petition him.

The king threatens them.

Their reply. Ibid.

The king tries to gain them in private, but in vain.

[1] Not according to the antient valuation of their preferments, but according to a new and exact valuation that was to be taken of them. M. Paris.

[k] The archbiſhop of Canterbury was beyond ſea, and the archbiſhop of York was abſent for a reaſon then unknown. Matthew Paris has given the biſhop's repreſentation of the grievances committed by the king, at length, which the curious reader may ſee under the year 1252. p. 849.

unfortunate example of the king of France, who lay languiſhing in the hands of the infidels. Henry finding, contrary to his expectation, the biſhop aſſumed the air of a counſellor, had not patience to hear him any longer, and commanded him to be gone out of his preſence [1].

Mutual animoſity between the king and his ſubjects.

As the perſiſting of the Engliſh in refuſing money, provoked the king, and made him place ſtill greater confidence in the Poictevins, ſo the continual favours he heaped on the foreigners quite alienated the barons from him. It was therefore almoſt impoſſible but theſe mutual diſcontents ſhould produce in the end very fatal effects, as it afterwards happened. It is even a wonder that the rupture between the king and the barons did not ſooner break out. Animoſity was come to that height, that as he had no regard for his ſubjects, they, on their ſide, uſed as little ceremony in their complaints againſt his male-adminiſtration. The Londoners were of all the kingdom the moſt incenſed, by reaſon of the frequent exactions laid on them. But they had ſoon freſh cauſe to complain of a tax of twenty marks of gold, impoſed on the city by the king. This impoſition was inconſiderable, and concerned the city of London only. However, the whole kingdom murmured at it, as flowing from an arbitrary power, of which they dreaded the conſequences. But however, a few days

The king oppreſſes the Londoners. M. Paris.

[1] The king ordered his officers to turn him out of doors for an ill-bred fellow as he was. M. Paris, p. 358. Nor did the king come off better in an encounter with the widow counteſs of Arundel, who waited on him about her right to a certain wardſhip, which the king challenged by reaſon of a ſmall parcel of land held in caſtle. When the counteſs ſaw ſhe could not prevail upon him, ſhe thus boldly accoſted him: "My lord the king, why do you turn "your face from juſtice? for no body "can obtain any right in your court: "you are placed between God and us, "but you govern neither your ſelf nor "us, as you ought: are you not a-"ſhamed, both to oppreſs the church "and diſquiet the nobles of your king-"dom?" The king knitting his brows anſwered, "What do you mean, lady "counteſs! have the great men of "England commiſſioned you to be "their advocate?" but ſhe (though young) did not anſwer like one, "Not "ſo (Sir,) the nobles have not made "me any ſuch charge, though you "have broke that which you and your "father have granted, and ſworn in-"violably to obſerve, and for which "you have ſo often extorted money "from your ſubjects: where are the "liberties of England ſo often reduced "into writing? ſo often granted, and "ſo often redeemed? therefore I, "though a woman, with all your na-"tural ſubjects, do appeal from you to "the tribunal of God, the great and "terrible judge, and let him revenge "me." At which reply the king was confounded and held his peace, becauſe his own conſcience told him ſhe ſpoke no more than the truth. So he only ſaid, "Did not you aſk a favor becauſe "you were my couſin?" To whom ſhe replied, "Since you have denied "me right, how can I expect any fa-"vor?" The king thus reproved ſaid no more, and the counteſs went away without taking leave, and without any other ſatisfaction than that of having freely ſpoken her mind. M. Paris, p. 353. Brady has omitted this and ſome other of M. Paris's relations of this kind.

after,

after, the king, without troubling himself to please the Londoners, commanded them to shut up their shops, during Westminster fair, which lasted fifteen days. This innovation, being deemed a manifest breach of the privileges of the city, caused loud murmurs among the inhabitants, and a resentment, the effects whereof became visible upon the first opportunity.

Never did prince so ill time all his undertakings as Henry. Whereas every one endeavours to make use of seemingly favorable junctures, Henry had a very particular talent to form all his projects at the most improper seasons. He was not ignorant that the nobles were dissatisfied, and in a sort of combination to protect the earl of Leicester. He had just given the clergy a fresh cause of disgust, by procuring a bull to absolve him from his oath, and entirely alienated the hearts of the Londoners by the violation of their privileges. At this juncture however it was, that he undertook once more to have the earl of Leicester tried by his peers, whom he convened for that purpose. Accordingly this affair ended greatly to his dissatisfaction. Far from condemning the earl, the barons said openly, that the king had done him very great injustice, in giving Guienne to prince Edward before the term of his government was expired, and without making him any amends[m]. This declaration, which probably was going to be followed by some ungrateful resolution to the king, made him dissolve an assembly which seemed so little inclinable to favour his designs. He attacks Leicester again, but in vain. M. p. 853.

Thus this weak prince, by an unsteddy and capricious conduct, increased the enmity of his barons, which of all things he ought to have dreaded, had he been wise enough to take warning by his father's unhappy example. Continually beset with indiscreet and greedy foreigners, who minded only their own interests, he saw nothing but as represented by his ministers, who made him believe, that as long as he was supported by the court of Rome, he need not fear the vain efforts of his subjects. These counsels induced him perpetually to countenance the extortions of the pope, and the avariciousness of his relations and ministers, to whom he was always making presents with incredible profuseness. It was thus he spent the clear revenues of the crown. By this management, so little consistent with his own interest, he kept himself always poor, whilst his relations, his counsellors, and the pope's 1253. He is entirely governed by foreigners.

[m] The earl of Leicester had then three years and an half yet to come in his charter, by which the government of that country was committed to him. M. Paris.

creatures

creatures, were enriching themſelves at the expence of his ſubjects. The biſhop of Lincoln deſiring to open his eyes, cauſed an exact account to be taken this year of the annual income enjoyed by the foreigners in England. It was found to amount to above ſeventy thouſand marks, when the revenue of the crown at the ſame time ſcarce exceeded a third part of that ſum. To this we may add another particular, to ſhew the eaſineſs of this prince, and the greedineſs of his miniſters. Manſel, one of his favorites, a clergyman, enjoyed no leſs than ſeven hundred eccleſiaſtical preferments at once, which brought him in yearly four thouſand marks.

The revenue of foreigners exceeds that of the crown. M. Paris.

Affairs of Sicily.

Whilſt theſe things paſſed in England, the emperor Conrade, and pope Innocent IV. continued their wars in Sicily, but to the great diſadvantage of the pope, whoſe ſpiritual arms were of little force againſt a prince that deſpiſed them. As the pope found he was too weak to compaſs his ends, he imagined that by offering the crown of Sicily to ſome rich prince, he ſhould eaſily perſwade him to ſupply whatever was neceſſary for the conqueſt. Of all the princes in Europe on whom he caſt his eyes, he ſaw none better qualified to embark in this undertaking than Richard earl of Cornwal, brother to the king of England. Beſides that this prince was maſter of a large eſtate, which he knew how to manage better than the king his brother, it was very likely he would be dazzled with the luſtre of a crown, that of England ſeeming to be too remote from him, as the king had two ſons. This reſolution being taken, Innocent diſpatched Albert as his nuncio, to offer him the crown of Sicily, on condition he would wreſt it from the ſons of Frederic. Richard rejected not the propoſal; but inſiſted on certain previous articles, which the pope did not reliſh. I. That the conqueſt of Sicily ſhould be carried on at his and the pope's joint charges. II. That Innocent ſhould deliver him up certain places in the kingdom of Naples, as well for his ſecurity, as to ſerve for magazines. III. That he ſhou'd give him hoſtages for the performance of his word. Theſe terms agreed not at all with the pope's deſigns. He was in hopes Richard, deeming the bare grant of Sicily as a ſingular favour, would engage to ſupply what money was neceſſary for the conqueſt, and rely on the word of him that made him ſo noble a preſent. But when he ſaw the prince was not willing to be his dupe, and ſeemed to underſtand his own intereſt too well, he dropped the project, and recalled his nuncio. This negotiation not having the deſir'd effect, he was obliged to continue the war at his own expence,

Act. Pub. T. I. p. 476.

Innocent offers Sicily to prince Richard. M. Paris.

Richard's terms not reliſhed by the pope.

Negotiation is broke up.

pence, till he could engage in the undertaking a more easy and less wary prince.

Henry thought he had prevented the revolt of the Gascons by removing the earl of Leicester from the government of Guienne. But it was not long before he perceived, the vigilance of that earl, which they considered as an insuperable obstacle to their pernicious designs, to be the real motive of their complaints. Leicester had no sooner resigned his patent [n], but a plot was discovered in Guienne, to deliver that province to the king of Castile. Though that prince had never before made known his pretensions to Guienne, when he saw his party strengthned by the earl of Leicester's retreat, he began openly to declare himself. He pretended a grant of that country from Henry II, confirmed by Richard and John. It is true indeed, these charters were never produced. But he had artfully perswaded some discontented lords, that they were in his hands. Upon this foundation, he formed in Guienne a powerful party, of which Gaston de Moncade, viscount of Bearn, was head. It is very likely, Henry's want of courage inspired the king of Castile with the thoughts of becoming master of Guienne upon this frivolous title. At least, he believed he had reason to hope, that either by arms, or treaty, he should procure some part of that province. Be this as it will, these pretensions, though apparently very weak, raised commotions in Guienne, which made Henry often repent of removing the earl of Leicester. In short, the malecontents, aided by the king of Castile, made such progress, that Henry was forced to go in person to save the country. But there was occasion for money, and it was in vain to alledge the war in Guienne, to procure any from his subjects, who were too much dissatisfied with all his warlike expeditions, to be prevailed upon by that consideration. It seemed therefore more expedient to keep to his old pretence, namely, his voyage to the Holy Land, because religion was therein concerned. As soon as the parliament, called upon that account, was met, the king demanded a large sum to enable him to accomplish his vow. He represented, that having been hitherto under an impossibility of undertaking the voyage, the christians of Palestine must have been great sufferers by these delays.

Secret practices of the Gascons. M. Paris.

The king of Castile pretends to Guienne.

Act. Pub. T. I. p. 496.

Henry is forced to go thither. Act. Pub. T. I. p. 491. &c. 497.

He demands an aid to go to the Holy-Land.

Though the barons were fully convinced, the king did not intend to go to the Holy Land, they were afraid however of

[n] The king bought [illegible] M. P[illegible]

giving

the charters are kept. M. Paris.

giving him some advantage, in case they refused the supply demanded on so plausible a pretence. They resolved therefore to grant an aid, but clogged with conditions, from whence they expected some benefit, whether the king executed his project, or, as was suspected, applied the money to other uses. This resolution being taken, they sent deputies to him with their answer, the substance of which was, that in case he would leave to the churches the freedom of elections, and sincerely observe the king his father's charters, they would do their utmost to content him. Henry, who expected this message, was prepared with an answer. He told them, he owned that on certain occasions he had carried the prerogative-royal a little too far; but was firmly resolved never to be guilty of the like fault again. Adding, they might be assured, the charters of king John should be punctually kept. Then addressing himself to such of the deputies as were of the clergy *, he bid them consider, that among the prelates who then governed the church of England, there were few but what were promoted to their dignities, by means of that prerogative royal they complained of. He asked them, whether they themselves, at the time of their elections, would have wished for that freedom they now so earnestly demanded? He continued to say, since they desired him to correct what was amiss in the government, they themselves ought to set him a good example, and resign their bishopricks and abbies acquired by illegal ways, and he promised them, their places should be filled with none but persons of learning and probity. The prelates being confounded at this sharp reproof, had nothing to reply, but "That the business at present was not to "undo what was past, but to prevent the like evils for the "future." As the king's sole aim was to draw money from the parliament, he did not push matters any farther. Content with having a little mortified the clergy, he said, he was ready to join with the parliament in all necessary measures to redress the grievances. Upon these assurances the clergy granted him the tenths of their revenues for three years, and the barons, three marks of every knight's fee held immediately of the crown.

The king's reply to the deputies of the parliament.

An aid is granted. M. Paris.

Excommunication solemnly denounced against the

The king's promise to observe the charters, was too express not to be executed. Accordingly, without any solicitation, he convened, in the great hall of the palace of Westminster, an assembly, at which were present all the lords spiritual and

* They were all of the clergy, viz. The archbishop of Canterbury, and the bishops of Carlisle, Salisbury, and Etheldmar bishop elect of Winchester, who were sent by the bishops and all the prelates, says M. Paris.

temporal,

temporal, with lighted tapers in their hands. The king would not hold one, saying, he would lay his hand upon his heart, during the whole ceremony, to show he sincerely consented to what was going to be pronounced. Then the archbishop of Canterbury standing up before all the people, denounced a terrible curse against all, that for the future, should oppose directly or indirectly the observance of the two charters; and likewise, against those that should any way violate, diminish, or alter the laws and constitutions of the kingdom.

violators of the charters. M. Paris. p. 886. An. Burt. p. 323. Act. Pub. T. I. p. 489.

This anathema being denounced, the two charters were read aloud, and confirmed by the king, who held his hand all the while on his breast. This done, every one threw down his taper upon the ground, and wished that those who violated the charters might thus smoke in hell [p].

Who would not have thought that the king's assent to a curse so solemnly denounced, was an undoubted proof of his intent religiously to keep his promise? Perhaps he really intended it when he laid his hand upon his heart. However, the parliament was no sooner dissolved, but he contriv'd all possible means to break through it. Besides that he was naturally inconstant, and not over scrupulous, it is said, he was perswaded to this resolution, by some of his favorites, who told him he would be but the shadow of a king, as long as these charters were in force. But as they perceived he was restrained by the consideration of his oath, they advised him to apply to the pope, intimating, that for two or three hundred marks it would be easy to get it annulled. This weak prince, who generally followed the most pernicious counsels, embraced this immediately. It was agreeable to his inclinations, and that was sufficient to cause him to trample upon what honour and religion required of him, and to hinder him from reflecting on the consequence. But, if it be strange, this prince should so little regard his word and oath, there is no less reason to be surprized, that such principles should be authorised by the common practice of him who stiles himself Christ's vicar.

Henry contrives to break through his engagement. M. Paris.

Mean time, Henry laid out, in the preparations for the war in Guienne, the money granted by the parliament for the voyage to the Holy Land. When all was ready, he came to Portsmouth, where his troops were ordered to meet him.

He sets out for Guienne. [illegible] An. Wave. T. Wave.

[p] And said after all was performed, "So may God help me, I will inviolably observe all these things, as I am a man, as I am a christian, as I am a knight, as I am a crowned and "anointed king." M. Paris seems to intimate only the bishops had taken in their hands, for he makes the same say he would not hold one, "Because "he was no priest." p. 887.

Then leaving the regency to the queen and prince Richard, he set sail attended by a great number of lords, who being his military tenants, were obliged to that service. Upon his arrival at Bourdeaux, he headed his army and besieged Reole castle, then in the hands of the rebels. As they depended upon the king's usual indolence, they neglected to fortify the places they had seized. By which means he easily became master not only of this but of all the other castles that were in their power. Mean while, the king of Castile neglecting to support his adherents, Henry imagined he waited for his departure to raise fresh commotions in the province, and was afraid that would be always the case. This belief made him very uneasy, because, to prevent his enemy's designs, he saw himself obliged to keep a standing army in Guienne, without having wherewithal to maintain it.

Demands Eleanor of Castile in marriage for prince Edward. Act. Publ. tom. i. p. 491. Mat. Paris. The match is concluded.

To free himself from this difficulty, he dispatched an ambassador to Spain, with orders to propose a marriage between Edward, his eldest son, and Eleanor, sister of Alphonso king of Castile. Alphonso found there was no likelihood of his becoming master of Guienne, since the arrival of the English succours: besides, he considered the marriage proposed was very advantageous for the princess his sister. Accordingly, without much sollicitation, he agreed to it, and resigned to prince Edward all his pretensions to Guienne [a]. This affair was transacted with great secrecy, Henry intending to use the pretence of the war to obtain a fresh supply from the parliament.

Arrival of Leicester with offers of service. The Gascons submit.

Mean time, the earl of Leicester, who was retired into France [b], finding Henry engaged in a war with the Gascons, levied some troops at his own charge, and came and offered his service. The arrival of the earl, and the report of a private treaty between Alphonso and the king, frightened the rebels, and caused them to return to their allegiance.

1254. Henry tries in vain to get money from the parliament on pretence of the war in Guienne. Mat. Paris.

Mean time, Henry pretending to fear the attacks of the Castilians, sent orders to the queen to summon a parliament, and demand an aid. But this attempt did not answer his expectation. The parliament having intimation of the treaty with Spain, replied, all the barons would be ready to serve the king with their lives and fortunes, upon the first news of his being invaded by the Castilians. This was not what the king wanted. However, as he thought the treaty of Burgos

[a] [illegible] in Rymer's Fœd. tom. i. p. [illegible].

[b] Where it is said he generally refused the offer of being [illegible] of France. Mat. Paris.

was

was yet a secret, he wrote to the queen and prince Richard, that he was extremely embarassed, having received certain advice that the king of Castile was preparing to invade Guienne with a numerous army of Moors; and therefore he commanded them to press the parliament to grant an aid answerable to his necessities. But the news of the treaty with Alphonso being confirmed by the earl of Leicester, who was returned into England, the queen durst not press the parliament upon so frivolous a pretence. Henry being thus disappointed, was forced to send orders to the prince his brother to extort money from the Jews at any rate. Richard discharged his commission with such rigour, that by his oppressions he reduced the miserable Jews to desire leave to depart the kingdom: but even that being refused them, they were forced to pay the king a greater sum than ever.

He extorts money from the Jews. Mat. Paris.

As soon as the queen had notice that her son's marriage was concluded, she hastened to Bourdeaux with Edward and Edmund her sons, and the archbishop of Canterbury. Immediately after her arrival, prince Edward was sent in great state to Burgos, where he married the infanta Eleonora, and in a few days set out again with his bride for Bourdeaux, where the king and queen waited for them. During their stay in that city, the king confirmed by a new patent the grant of Guienne to the prince his son, to which he added Ireland and the sovereignty of Wales [s]. Henry having nothing more to do in Gascogne, prepared for his departure: but to avoid the fatigues of the sea, he desired leave of the king of France, who had purchased his liberty of the infidels with a great ransom [t], to pass through his dominions and embark at Boulogne. Lewis not only very courteously granted his request, but met him at Chartres, and conducted him to Paris, where he entertained him eight days [u].

Marriage of prince Edward. Mat. Paris. p. 880, 890. M. Westm.

Henry made his entry into London with extraordinary pomp, and received from the city a present of a hundred

He exacts money from London. Mat. Paris. p. 9[illegible].

[s] And likewise the city and town of Bristol, Stanford, and Grantham. Mat. Paris. Before the king's return, upon stating his accounts, it appeared that the expences of his expeditions amounted to twenty thousand seven hundred pounds, besides lands, wardships, etc. given to foreigners; and thirty thousand and two hundred marks spent upon his Poictevin brothers. Being told, says Matthew Paris, of this great expence by one about him, he replied, "Oh, for the head of God, say no "more of it lest the very relation "[illegible] amazed."

[t] Four hundred thousand livres.

[u] Henry was attended by a thousand [illegible] horse with noble [illegible], and there were with him his own queen and his [illegible] the countess of Cornwall, who were met by the queen of France and her sister the countess of Anjou. Thither came also the old countess of Provence, mother to all these sisters. Mat. P[illegible].

pounds

pounds ſterling, which the Londoners were wont to give on the like occaſions; but as he did not ſeem ſatisfied, they gave him moreover a rich piece of plate of exquiſite workmanſhip, with which he was content. This did not hinder him however from embracing an opportunity a few days after to draw from the city a more conſiderable ſum: a certain prieſt, accuſed of murder, eſcaping out of Newgate, where the biſhop had confined him, the city was amerced in no leſs than three thouſand marks as a puniſhment for its neglect. This ſentence was deemed the more unjuſt, as it was proved by good evidence that the biſhop's officers themſelves favoured the priſoner's eſcape.

Affairs of Sicily.

I left the emperor Conrade and pope Innocent very hotly engaged in war. The pope at length departed from Lyons to repair to Genoa, from whence he deſigned to go and relieve the city of Naples, cloſely beſieged by Conrade. But this reſolution being taken too late, the emperor had time to make himſelf maſter of the capital, and afterwards of all the reſt of the kingdom. This fortunate ſucceſs inſpired him with the thoughts of ſeizing likewiſe the iſland of Sicily, and, if certain hiſtorians may be credited, he accompliſhed this deſign by a notorious treachery: it is ſaid, that alluring to Melphi young Henry his brother, to whom Frederic II. bequeathed Sicily, he cauſed him to be murdered. This prince, ſays an hiſtorian of Naples, of all Frederic's ſons was the worthieſt and moſt hopeful.

Conrade takes Naples

Murders his brother Henry.

Before the death of the young prince, the pope, who ſaw his affairs in great confuſion by Conrade's progreſs, diſpatched Albret again to England, to offer the king the crown of the two Sicilies; but Henry rejected this offer on the account of his nephew, whom he was unwilling to depoſe. Innocent not ſucceeding in this project, took occaſion from the death of the king of Sicily to renew Conrade's excommunication, whom he charged with the murder of his brother. But the emperor, whether he was innocent or thought it would be difficult to convict him of this crime, boldly denied it: nay, he wrote to the king of England, to acquaint him with the death of the young prince, and to expreſs his extreme grief thereat. This is not a proper place to examine whether his ſorrow was ſincere: it ſuffices to obſerve, that in caſe he were guilty of the murder, he did not long enjoy the fruits of his treachery; he died five months after, poiſoned, as was ſaid, by a phyſician bribed by Manfred his baſtard brother. Far from ſuſpecting the hand which gave him his death, he left the guardianſhip of his ſon Conradin to Manfred.

Henry refuſes the offer of the two Sicilies. Mat. Paris. p. 892. M. Weſtm.

Conrade accuſed of his brother's death.

He is poiſoned by Manfred. Mat. Paris.

The

The death of Conrade in 1253, entirely changed the face of affairs in the two Sicilies. Manfred, under colour of acting for his pupil, who was in Germany, formed the project of becoming master of the two kingdoms. But he found so many difficulties that he was forced to conceal his design till a more favourable opportunity. Mean time, Innocent, who then resided at Perusa, headed an army, and marched into the kingdom of Naples, where the people declared in his favour. Manfred himself, finding there was no opposing the torrent, went to him at Naples. When he came there, he so artfully dissembled that the pope, thinking him really in his interests, admitted him to all his councils, and confirmed to him the emperor his father's grant of the principality of Tarentum. Manfred finding himself thus in the pope's favour, began to contrive how to make it subservient to his designs. To that end he advised him to disperse his troops all over the kingdom, and backed his advice with two reasons, by which Innocent suffered himself to be ensnared: the first was, the necessity of easing the inhabitants of Naples, lest, being too much burthened, they should think of revolting: his other reason was grounded upon its being no less important to keep in awe the Germans left by Conrade in the country, under the command of two Bavarian princes. This stratagem succeeding to his wish, he turned to the two German princes, who probably were as easy to be deceived as the pope. By means of some secret emissaries, he intimated to them, that he was a friend of Conradin's, and only feigned out of policy to adhere to the pope: then he magnified the pope's forces in the kingdom, and advised them to go to Germany for recruits. What farther induced these two princes to follow his advice, was the assurance he gave them, that in their absence he would take care of their troops: he told them, he would undertake to engage the pope to furnish them with necessaries, in expectation of sending them back to Germany, and in the mean time would prolong the negociation till their return. By this double advice Manfred weakened the pope's forces, by causing him to disperse them, and freed himself from the troublesome presence of the two German princes, keeping their troops to be employed upon occasion.

Innocent IV becomes master of the kingdom of Naples.

He is outwitted by Manfred.

The army brought by Innocent into the kingdom of Naples, could not be maintained without a great expence, which he could not long bear. Apprehensive as he was that his troops would quickly disband themselves if he did not find money to pay them, he made a fresh attempt upon the king of England, and with better success than before. Under pretence of informing Henry of the circumstances of his nephew

Innocent offers Sicily for prince Edmund. Act. Publ. tom. i. p. 502, 512.

the king of Sicily's death, he sent a nuncio, to offer him in his name the crown of the two Sicilies for prince Edmund his second son. He represented to him, that his scruples were no longer seasonable, since the death of the young king his nephew: that besides, he ought to consider this offer as a very particular mark of his esteem and affection, which any prince in Europe would think a great honour. In short, that a crown was a present to be accepted without much deliberation. These tempting offers had the desired effect: Henry, without consulting his brother or the parliament, from whom he was to expect the necessary aids for this undertaking, accepted this imaginary present with all thankfulness. From that moment he caused prince Edmund to assume the title of king of Sicily. After this unwary prince was rashly engaged in this affair, he had never the power or prudence to get clear of the snares laid for him by the pope on that pretence. Innocent told him, that with an inconsiderable sum of money he would have the satisfaction to see, in a short time, his second son on the throne; and a crown like that of Sicily was well worth taking some pains to obtain. Pleased with these flattering hopes, Henry readily sent the pope all his own money, all that the prince his brother would lend him, and all that he could extort from the Jews or his other subjects, by means of itinerant justices sent into every county. But this not sufficing to satisfy the pope, he was so very imprudent as to oblige himself, under pain of being excommunicated and deprived of the royal dignity, to pay all such sums as the pope should borrow for accomplishing their enterprize. Innocent, impowered in this unlimited manner, spared not his friend's purse. By borrowings, real or pretended, he engaged him so deeply, that his ordinary revenue could not possibly answer the expence. This put him frequently under a necessity of making such demands upon the parliament as rendered him daily more odious to his subjects. But he was so fond of this affair, that he regarded not the complaints and murmurs of the people, as long as he thought to find the necessary money for executing his project.

Henry accepts the offer.

Mat. Paris.

Act. Publ. tom. 1. p. 517.

Innocent was very sensible it was not in the king's power to perform his engagements: but he hoped by using the plenitude of his apostolical authority to furnish him with means sufficient to get money from his subjects. The first of these means was a bull directed to the archbishop of Canterbury and bishop of Chichester, impowering them to borrow money of persons of all conditions in the name of the church of Rome, with orders to pay what sums should be thus raised into the king's

The pope uses several means to get the king money.

king's hands. It is eaſy to ſee the pope made uſe of the name of the church of Rome becauſe he knew no body would lend the king money, and becauſe the church had it in her power to compel people, eccleſiaſtics at leaſt, to lend their money, which the king could not do.

The voyage to the Holy Land furniſhed the pope with a pretence to grant the king two tenths upon the clergy. But withal he commanded the money to be depoſited in a ſafe place from whence it could not be taken but by his orders. He pretended it was to prevent the king from putting it to any other uſe than the expedition to Paleſtine: but in reality theſe ſums were deſigned for the projected conqueſt of Sicily. By a third bull he granted the king a twentieth part of the church's revenue in Scotland, provided the money could be raiſed without giving offence. Mean time, as he had himſelf engaged to contribute to the charges of this intended conqueſt, he promiſed to be anſwerable to prince Edmund for a hundred thouſand French livres, half whereof ſhould be paid upon his arrival at Lyons. A mighty contribution towards an enterprize of this nature! However, the obligation was clogged with this clauſe, "unleſs the pope "ſhould have occaſion for the money himſelf for the defence "of the holy ſee."

What care ſoever the pope took to procure the king money, he was afraid it would not ſuffice, or the king would vainly laviſh away the treaſure he ſhould raiſe: for this reaſon he admoniſhed him by a letter, to retrench all ſuperfluous expences, not excepting thoſe deſigned for pious uſes, becauſe the conqueſt of Sicily was above all works of charity. Though Edmund as yet enjoyed only an empty title, the king his father, blinded with the hopes inſtilled by the pope, conſidered this young prince as the real monarch of the two Sicilies. In this belief he cauſed him to give, by an authentic patent, to Thomas earl of Savoy, the queen's uncle, the principality of Capua, which, like the reſt of the kingdom, was ſtill in diſpute between the pope and Conradin. But though the pope ſeemed to divest himſelf of this kingdom in favour of Edmund, he ſuffered him not however to diſpoſe of any thing without his conſent. There are in the Collection of the Public Acts, ſeveral grants made by the pope in that kingdom to the marquis of Hocanburch his general, and others.

Ib. p. 515.

Ib. p. 527.

Ib. p. 532, etc.

Whilſt the pope continued his negociations in England with all poſſible ſecrecy, for fear of alarming the Sicilians, Manfred the baſtard was taking meaſures at Naples to procure the crown

Manfred aims at being king of Sicily.

Gio. Sum. Mat. Paris. p. 979.

crown of the two Sicilies. He practiſed upon the German troops brought thither by the emperor Conrade, and ſecured the aſſiſtance of the Saracens who were very numerous in the two kingdoms. As ſoon as matters were ripe, he waited an opportunity to declare himſelf openly, and it was not long before one offered. Having killed a man that had affronted him at the pope's court, and being obliged to abſcond, he was ſummoned to appear and take his trial. Upon his refuſal, Innocent ordered his troops to march to the little town of Nocera, inhabited by Saracens, where the murderer was fled. This was a ſufficient pretence for Manfred to aſſemble his friends, who were already prepared. With the ſuccours that came to him from ſeveral parts, he met the troops that were marching againſt him, and attacking them with advantage, between Troya and Foggia, killed part and put the reſt to flight. Innocent was much ſurprized at the defeat of his army, and to find upon his hand a freſh enemy, whom he deſigned his inſtrument to clear the kingdom of the Germans. This incident convincing him that Manfred had only amuſed him, he perceived, ſince the Germans joined with the baſtard, it would be difficult to maintain himſelf in the kingdom with only his own forces. In this belief he repeated his inſtances to the king of England for men and money with an Engliſh general, threatening, in caſe of refuſal, to give the crown of Sicily to another prince. But as this ſupply was yet very remote, the vexation to ſee his affairs in ſo ill a ſituation, threw him into a fit of ſickneſs which laid him in his grave. Though moſt hiſtorians reckon above a year between the death of Innocent IV. and the election of Alexander IV. his ſucceſſor, the Collection of the Public Acts of England plainly ſhew that Alexander IV. was elected a few months after Innocent's deceaſe. And indeed we find there bulls of theſe two popes, dated the end of the ſame year 1254.

He quits the pope's court for murder. He is cited, but appears not.

He beats the pope.

Innocent dies. Succeeded by Alex. IV Mat. Paris. p. 897. Act. Publ. tom. i. p. 524—536

1255. Alexander, following the ſteps of his predeceſſor, reſolved to proſecute the war againſt Manfred, who, ſtill concealing his deſigns, declared for Conradin, for fear of frighting away the Germans, of whom he ſtood in great need. As the pope had no leſs occaſion for the ſuccours from England, inſtead of menacing Henry, as Innocent did, he ſent the biſhop of Bononia, with a ring, to inveſt by that mark prince Edmund with the kingdom of Sicily. But whilſt the legate was on the road, Alexander's affairs were entirely ruined. The pope borrowing money from all hands on the king of England's account, found means to draw together an army of ſixty thouſand men, and gave the command to cardinal Octavian Ubaldini

Act. Publ. tom. i. p. 550 Mat. Paris. p. 906.

Ubaldini Florentinus, with orders to beſiege Manfred in Nocera. The cardinal had for his lieutenant-general the marquis of Hoemburch a German, who had long ſerved Innocent IV. but was now corrupted by Manfred. Upon the approach of this army to Nocera, the marquis, who watched an opportunity to engage Octavian in ſome falſe ſtep, repreſented to him, that it was not only needleſs, but a leſſening of his honour to employ ſo great an army againſt a paltry town: adding, the country adjoining afforded no forage, and beſides it was plain Manfred could make no great efforts, ſince he kept himſelf thus immured. The eccleſiaſtical general, unexperienced in the art of war, looking upon the marquis as an able and faithful ſoldier, was eaſily perſwaded to divide his army, on the falſe notion of his enemy's being afraid. He had no ſooner committed this error, but Manfred ſallied out of Nocera, and ſuddenly falling upon the army which was coming to beſiege him, entirely put them to rout. The pope's loſs in this action was ſo great, that he was forced to abandon the country: ſo Manfred eaſily became maſter of the two Sicilies, and was crowned at Palermo, after ſpreading a report that young Conradin was dead in Germany.

Mat. Paris. Act. Publ. tom. i. p. 547. Gio. Sum.

Manfred defeats the pope's army;

is crowned king of Sicily.

Though Alexander had no reſource in Italy, he did not deſpair of reſtoring his affairs by means of the king of England, who little knew of the late revolution in a country where he was ſo much concerned. For the biſhop of Bononia came to London, and, without mentioning what paſſed in the kingdom of Naples, or Manfred's coronation, inveſted prince Edmund with the two Sicilies [w]. This was done with a ſolemnity that increaſed Henry's ſatisfaction: he was as much pleaſed with the ceremony, as if Edmund had been actually in poſſeſſion of a crown. But if there were flatterers, who congratulated him upon this augmentation of glory, there were wiſer people, who grieved to ſee their king become more and more the pope's dupe. Indeed it was eaſy to perceive, he was ingaging in an undertaking, which all the money in the kingdom would not ſuffice to accompliſh.

The legate inveſts Edmund with the Sicilies. Act. Pub. tom. i. p. 550, 893. M. Paris. T. Wikes.

Henry had little reaſon to expect any great aids from his people, whom he had extremely diſpleaſed. Much leſs could he hope to gain the barons approbation of a project ſo raſhly undertaken, without conſulting thoſe who alone could furniſh him with means to come off with honour. Nevertheleſs, he demanded of a parliament ſummoned this year, an aid of money, with the ſame aſſurance as if he were labouring purely

The king demands an aid of the parliament. M. Paris. An. Burt.

[w] King Henry ſent to the pope upon that account fifty thouſand marks, and engaged to ſend him two hundred thouſand more. An. Burt.

for the good of the public. Though the parliament was unconcerned about the ſucceſs of the affairs of Sicily, they thought however to reap ſome advantage from the king's neceſſities, by improving this opportunity to procure, in a laſting manner, the obſervance of the two charters. To that end, they told the king, they would grant him an aid, upon theſe two conditions; that the charters ſhould be obſerved, and the juſticiary, treaſurer, and chancellor, nominated by the parliament, without being liable to be turned out but by the ſame authority. The king not thinking proper to agree to theſe terms, prorogued the parliament till Michaelmas.

Two conditions required,

The parliament prorogued.

In the mean time, Henry was obliged to take a journey into Scotland, on account of the queen his daughter, who complained of her hard uſage from thoſe that governed the kingdom, during the king her huſband's minority [x]. The preſence of the king of England helped very much to ſettle the affairs of that kingdom, which began to feel the uſual effects of a minority. He made but a ſhort ſtay in Scotland, being impatient to return into England, where the affairs of Sicily called him.

The king's journey to Scotland. Act. Pub. tom. i, p. 562. M. Paris. An. Burt.

Ruſtand the pope's nuntio comes into England with ſeveral bulls. M. Paris. An. Burt.

The ſums pretended to be borrowed by this, and the former pope, for the affair of Sicily, were ſo exceſſive, that the king ſaw it impoſſible to ſatisfy the creditors, real or feigned. Alexander was not ignorant of it, but reckoning the Engliſh, and particularly the clergy, were reſponſible for their ſovereign, he uſed all imaginable means to draw money from the unfortunate kingdom, ſo much exhauſted already. His firſt attempts were made by a nuntio, called Ruſtand, whom he furniſhed with ſeveral bulls, all tending to exact money from the clergy. The firſt produced by the nuntio, was an order to gather a tenth in England, Ireland, and Scotland itſelf, as well to the pope's as the king's uſe. This bull was expreſſed in terms which left the clergy no room to cavil. The pope laid this impoſition on them, "Notwithſtanding [y] any former letters, indulgences, privileges, exemptions or other "grants, under any form, and for what cauſe ſoever, and "notwithſtanding all objections which could be deviſed." A ſecond bull gave the nuntio power to change the king's vow to go to the Holy Land, into that of undertaking the conqueſt of Sicily: a conqueſt, according to the pope, much more im-

[x] Sir Robert de Roſs and Sir John Baliol, the regents, were accuſed of keeping the queen like a priſoner, and not permitting the king to enjoy her embrace [...]. But Henry having fined the governors, brought the king and queen together again, and put them into ſuch a condition as they liked. M. Paris.

[y] Non-obſtante.

portant

portant than that of Jeruſalem. Henry engaged in this new vow, by a ſolemn oath on the relics of St. Edward, as he had done with regard to the firſt. Moreover, the nuntio ordered a cruſade to be preached againſt Manfred as an enemy to the chriſtian name, and promiſed the pardon of their ſins to all that ſhould aſſiſt the holy ſee againſt that excommunicated prince. The publiſhing of this cruſade was of little conſequence in England, but the effects were felt in Paleſtine, as it obliged the chriſtians there, when they found the ſuccours, intended for them, diverted to other uſes, to conclude with the Saracens a truce for ten years. Ibid.

The parliament, that was prorogued, being met, the king ſollicited in vain for a ſupply. He had taken care not to ſummon ſuch of the lords as ſhowed moſt ſtedfaſtneſs in the laſt ſeſſion. But from this very thing, the parliament took occaſion to refuſe his demand. They alledged that, according to the tenour of the great charter, they were not obliged to debate any buſineſs, unleſs all that had a right to ſit in parliament were ſummoned. Henry, ſeeing little hopes of procuring any money from this aſſembly, diſſolved them, and took other courſes to attain his ends[z]. He would fain have borrowed once more of the prince his brother; but could not prevail. Richard was diſpleaſed that the king ſhould raſhly engage in this affair, without vouchſafing to conſult either him, or the barons of the realm. The parliament meets. M. Paris. p. 913. An. Burt. Refuſes to give the king an anſwer; is diſſolved. Richard will not lend the king money. M. Paris. p. 914.

But what Henry could not do by his own authority, he tried to effect by the pope's help, who was the more ready to aſſiſt him, as his own intereſt was concerned. It may be ſaid, that in this unhappy century, the court of Rome had loſt all ſenſe of ſhame. Of this, what I am going to relate, is a clear evidence, not built upon the teſtimony of a ſingle hiſtorian, whoſe fidelity ſome have endeavoured to call in queſtion, but upon the very bulls of Alexander IV. extant in the records of England, as printed in the Collection of the Public Acts. By the way, nothing can be more proper to confute whatever has been alledged to weaken the authority of Matthew Paris, than the harmony between the bulls and his hiſtory. What is more ſtrange in the conduct of Alexander is, that he did not even employ in the war againſt Manfred the exceſſive ſums inceſſantly drawn from England under that pretence. If we compare together the hiſtories of England and Sicily, we ſhall find, that when the pope was draining England of money for 1256. Divers bulls to get money from England. An. Burt. M. Paris. p. 913, &c.

[z] During the laſt day's ſeſſion of this parliament, there happened a very great quarrel between the king and the earl marſhal, of which the curious reader may ſee an account in M. Paris.

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the projected conqueſt, he ſuffered Manfred quietly to enjoy his crown, without uſing any effectual endeavours to dethrone him. Thus the conqueſt of Sicily was only the pope's decoy, to get large ſums from Henry, upon the vain expectation of placing his ſon Edmund on the throne. In the Collection of the Public Acts, we find under the year 1255, divers bulls clearly ſhowing with what greedineſs the Roman pontiff exhauſted wretched England.

T. Wikes.

Act. Pub. tom. i. p. 547.

In one of theſe bulls, he orders Henry to pay four thouſand pounds to the biſhop of Bononia, for the charges of his legateſhip, as if the court of Rome had no intereſt in the affair.

Ibid. & p. 548.

In another, dated the ſame month, he confirms the change of the king's vow to go to the Holy Land, into that of an expedition to Sicily, to the end the money deſigned for a war againſt the Saracens, might ſerve to pay the debts contracted for the conqueſt of that kingdom.

p. 549.

By one of the ſame kind directed to the archbiſhop of Canterbury, he makes, by his authority, the ſame change with regard to the vow of the king of Norway and his ſubjects. Then he commands them to ſend into England for the pretended expedition to Sicily, the money raiſed for the voyage to the Holy Land.

p. 551.

A third, enjoins all the Engliſh, who have received any money for their journey to Paloſtine, to pay it into the hands of certain commiſſioners, to be employed in the Sicilian expedition.

p. 552.

Though he had before confirmed the change of Henry's vow, he granted him however, by a bull, the twentieth part of the clergy's revenue in Scotland, to be employed in the expedition to the Holy Land. This bull bearing date after that, whereby the king's vow was changed, muſt be conſidered as a real cheat, to make the Scots believe, their money ſhould be expended in the war againſt the infidels.

p. 555.

After this, by a ſubſequent bull, he abſolves the Scots from their vow of going to the Holy Land, on condition they would ſend into England a certain ſum, to be employed in the conqueſt of Sicily.

p. 556.

He granted the ſame favour to the Engliſh, by a bull, dated in Auguſt the ſame year.

p. 559.

Laſtly, by another in October, he commanded the nuntio to compel the Engliſh prelates to pay the tenths granted to the king, for the payment of the debts contracted ſince his engagements with Innocent IV.

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If the originals of all these bulls were not among the records of England, it would be hard to believe that Christ's vicar was so little of a christian, as to prefer his own private quarrel before the cause of God, for so the crusades against the infidels were then reckoned. Neither is it less strange, that Alexander should think of making the Scots and Norwegians, who lived in the utmost bounds of the north, contribute to the charges of his quarrel with the house of Swabia, about a kingdom situated in the most southern parts of Europe. But if what the historian adds be true, which however can scarce be doubted, it will be easy to perceive, that in order to raise money, there was no means, though never so unjust, but what were approved by this pope [a]. M. Paris.

The sums borrowed in the king's name amounted, according to the pope's account, to one hundred thirty-five thousand five hundred and forty marks, principal money, besides interest [b]. Alexander was *not* ignorant that the king's revenue scarce sufficed for his necessary expences, and consequently it was impossible to take from thence wherewith to satisfy the pretended creditors. To help the king out of this strait, he caused him to allow, that all the extraordinary levies of money in his kingdom should be applied to that use, for which he undertook to find means himself to raise what sums they should want. It was not so much the purses of the people or barons, as of the clergy, that were to be drained. Besides that the clergy had most ready money, they more tamely submitted to the pope, than the people would to the king. Accordingly, to oblige the clergy to pay the greatest

[a] This year king Henry ordered by proclamation, that the great charter of liberties should be faithfully and inviolably observed. But, as M. Paris well observes, to what purpose were these proclamations, when the king and his great men set the rest of the nation so ill an example, by their frequent violations of it? p. 907.

[b] Besides fifty thousand more, [illegible] which the prelates stood bound to the pope, though without their own knowledge and consent. The words of M. Paris, upon this occasion, are these: "The sacred privileges of churches "signify nothing; and though the pope "has a power only for edification, and "not for destruction, yet the tax upon "the clergy, which was granted at "first but for three, is now changed "into five years; and formerly laymen paid tithes to the clergy, but "now even the prelates are compelled "to pay tenths to the laity: an aid "was granted in succour of the Holy "Land, and we are compelled to pay "it, to fight against the christians of "Apulia; a tenth was also granted by "us to the king for the observation of "the great charter, which notwithstanding is not kept; besides many "other grievances then done to the "clergy and church of England by the "pope's means, though with the privity and connivance of the king himself, too long to be here repeated." Which last, Mr. Tyrrel observes, though omitted by Dr. Brady, yet may serve to let us see the sad condition of the people, where the prince, instead of defending them, gives them up for a prey to a foreign power. See M. Paris, towards the close of the year 1255. p. 918.

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A ſtrange means uſed by the pope to get money of the clergy. M. Paris. An. Burt. T. Wikes.

ſhare of this debt, Alexander made uſe of a very extraordinary means, ſuggeſted to him by the biſhop of Hereford. He cauſed a great number of obligatory notes to be drawn, whereby each biſhop, abbot, or prior in England, acknowledged to have received of ſuch a merchant of Sienna, or Florence, or ſome other place in Italy, the ſum of ——[c], for the occaſions of his church, and bound himſelf to repay it at ſuch a time. This done, endeavours were uſed to conſtrain each to ſign one of theſe notes, as if he had really borrowed the money. This was ſuch an oppreſſion, that it would be difficult to find an inſtance of the like among the moſt famous tyrants[d].

1256. To execute this deſign, Ruſtand aſſembled all the prelates of the kingdom, and acquainted them with the pope's pleaſure, that each ſhould ſign one of theſe notes, and bind himſelf ſpeedily to pay the ſum mentioned therein, under pain of excommunication. This propoſal ſo ſurprized the prelates, that the biſhop of London could not forbear ſaying aloud, "That he would loſe his life rather than ſubmit to "ſo tyrannical an oppreſſion." The biſhop of Worceſter ſaid as much; and in fine, Ruſtand had for anſwer, "That "the clergy of England would not be ſlaves to the pope." The nuntio complained to the king of this bold anſwer, intimating, that the biſhop of London was the author of the clergy's diſobedience. Henry, who was no leſs exaſperated than the nuntio, fell into a great paſſion with the biſhop, and told him, ſince he was afraid neither of his nor the pope's indignation, he ſhould quickly feel the effects. This threat not being capable of daunting the prelate, he replied, "He was very ſenſible, the king and the pope were more "powerful than he; but in caſe his mitre were taken from "him, he would clap a helmet in its place." However, this firmneſs was not capable to make the nuntio give over his project. By the help of the biſhop of Hereford, he ſowed diſcord among the chief of the clergy, by careſſing ſome, frightning others, and cauſing accuſations to be brought againſt ſome, from whence he took occaſion to excommunicate them. Theſe cenſures were the more terrible, becauſe, if within forty days they ſued not for abſolution, which could not be obtain-

[c] Five, ſix, or ſeven hundred marks a-piece or more. M. Paris.

[d] This year, among other arbitrary acts, the king took a tallage of five hundred marks from the citizens of London; and invaded all the poſſeſſions of Robert de Ros, a man of note. M. Paris. And alſo iſſued out a proclamation, that all who were worth fifteen pounds a year in land, ſhould take upon him the order of knighthood; and that thoſe who would not, ſhould buy it off with money. Ibid.

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ed but by ſubmitting to the pope's will, all their revenues were confiſcated.

But what the king and pope extorted from private perſons by theſe violent ways, could not amount to a ſum ſufficient to their occaſions. There was a neceſſity of prevailing with all the clergy to ſign the notes, otherwiſe it was not worth the while to commit ſuch flagrant acts of injuſtice. Wherefore Ruſtand once more ſummoned the prelates upon this affair. But the abſence of the archbiſhop of Canterbury, who was out of the kingdom, and the vacancy of the ſee of York, furniſhed the prelates with a pretence to deſire a delay, which could not be refuſed them. They hoped that time would produce ſome favourable turn, to exempt them from paying the money demanded. But the conduct of the nuntio quite deſtroyed theſe hopes. He fell into a rage with thoſe who raiſed any difficulties in the affair, and thought it very ſtrange that the leaſt oppoſition ſhould be made to the pope's pleaſure. Leonard, a deputy or prolocutor for the clergy, inſiſting on the injuſtice of the pope's demand, Ruſtand commanded him to ſay whether he ſpoke for himſelf, or in the name of the prelates. Then he wrote down the deputy's words, ſaying, he would inform the pope of his inſolent expreſſions. Another clergyman willing likewiſe to ſpeak a little freely of the matter, the nuntio told him in a furious tone, that if he had not a regard for the prelates, he would not leave him a hair on his head.

M. Paris. P. 917, 920. Id. p. 920. Id. p. 920.

The delay granted the clergy being expired, all the prelates, with the archdeacons, the repreſentatives of the inferior clergy, aſſembled at London. As they met purely upon this affair, Ruſtand renewed his inſtances the very firſt day. The clergy replied, by Leonard their prolocutor, that their poverty hindred them from conſenting to the pope's demand, conſidering it was founded neither upon reaſon nor juſtice. The nuntio made anſwer, "There was no injuſtice in what the "pope claimed, ſince, as all churches belonged to him, he "could diſpoſe of their income as he pleaſed." This extraordinary pretenſion was replied to by Leonard, ſaying, "Indeed all churches might be ſaid in ſome ſenſe to belong to "the pope, but it was only that he ſhould protect and de"fend them, and not appropriate them to his own uſe. "In like manner, continued he, as we ſay in England, all "things are the king's; yet no man ever imagined the king "was proprietor of all the eſtates of his ſubjects: ſo with "regard to the lands of the church, it can never be proved

"that

" that it was the intention of the founders to give them to " the pope." This reply did but ſtill more exaſperate the nuntio, who however thought not fit to diſpute any longer. He contented himſelf with ſaying, in a menacing tone, " Let " every one ſpeak for himſelf, that the pope may know who " is for, and who againſt him." This he ſaid to frighten them: but his violent proceedings had a quite contrary effect. The prelates, full of indignation at this treatment, unanimouſly replied, they neither could, nor would ſubmit to ſo unjuſt an exaction; that this was their laſt reſolution, and they were ready to ſuffer death, in a cauſe much more juſt than that for which the bleſſed St. Thomas Becket endured martyrdom. The nuntio finding there was no prevailing by threats, grew more calm, and ſaid, he would go himſelf and talk with the pope about the difficulties which occurred in the execution of his orders. The clergy ſent likewiſe, in their name, the dean of St. Paul's to acquaint his holineſs with the reaſons of their denial. To finiſh this affair, which I have no deſign to reſume, I ſhall relate here what terms the clergy obtained from the court of Rome, after long ſollicitations. As the pope pretended, the ſums in queſtion were really borrowed for the ſervice of the king and church, he ordered that each prelate ſhould pay his ſhare in proportion to his revenue; but that the money thus paid, ſhould be deducted out of the tenths which ſhould hereafter be granted to the king. After this deciſion, refuſing to hearken to any thing further, the clergy were forced to pay money they had not borrowed, and to the payment whereof they were bound without knowing any thing of the matter.

The nuntio attacks the Ciſtercian abbots. M. Paris. P. 924.

Some time after, the nuntio convened all the abbots of the Ciſtercian order, and demanded one year's revenue of their wool, to ſupply the occaſions of the pope and the king. They anſwered, they could not grant ſuch a demand, unleſs debated in a general chapter of their order. This reply not ſatisfying the Italian prelate, he fell into a paſſion, and ſwore, if he could not prevail with them in a body, he would ſo treat them ſingly, that they ſhould be conſtrained to comply. He ſoon performed his threat. For ſlight or imaginary faults, he attacked them one after another, and cauſed them to be grievouſly fined. But this order had ſuch powerful protectors about the pope, that the nuntio was commanded to deſiſt.

Act. Pub. tom. i. P. 554.

The tyranny exerciſed by the court of Rome upon the clergy of England, was of ſo ſtrange a nature, that the hiſto-

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rian who relates all these facts, was afraid he should be suspected of inventing them, unless he produced an authentick proof. This doubtless, was his view, in inserting at large in his history one of Alexander's bulls, which shews, that nothing was done in the affair of the notes but by his express words. This bull, directed to Rustand, concludes with these words: "You shall take care to let the king know, "that all this is our will and pleasure. Wherefore I set down "in these presents, what each abbot and prior shall be bound "to pay. The prior and monastery of Durham five hundred "marks; of Bath four hundred; of Thorney, four hund "red, &c.——Dated at Anagnia the tenth of the calends "of July, in the second year of our pontificate."

Bull of Alexander IV. which verifies what has been said about the notes. M. Paris. p. 934.

Let us return now to the king, who was soliciting with no less earnestness for the aids demanded of the barons, to place the prince his son on the throne of Sicily. The archbishop of Messina was lately come from Rome, on purpose to second the king's demand with the pope's letters to the lords, exhorting them to give the king content. But the pope's eagerness, and the archbishop of Messina's pressing instances, proved quite contrary to their designs. For it was very visible, that the money was to be put into the pope's hands, otherwise he would not have taken such pains. Besides, the parliament could not resolve to suffer troops to be sent into Italy, as the pope and the king desired, perswaded as they were, that it was exposing them to certain ruin. These considerations induced them to refuse the king the aid he demanded. To justify their denial, they presented an address, setting forth their reasons. I. The difficulty of the projected undertaking. II. The poverty of the nation. III. The dread of an invasion from the neighbouring states, if the forces of the kingdom were sent so far off. IV. This project was formed without the consent of parliament. V. Lastly, The condition annexed to the grant of Sicily, left the pope free to revoke it whenever he pleased, which was not reciprocal.

The parliament refuses the king money. Ann. Burt.

Reasons for so doing. An. Burt. p. 371.

The king was not satisfied with demanding of his parliament an extraordinary aid. He would have moreover the clergy stand bound for the sums, the pope pretended were still due to him *, and consent that the tenths granted for three, should be continued for five years. These demands were so exorbitant, that the clergy could not resolve to comply with

Henry will have the clergy bound for him. M. Paris. The clergy refuse;

* One hundred and thirty-five thousand marks principal, and five hundred and forty more for interest. M. Paris.

them.

but yield at last.

them. But there was not the same regard for the spiritual as for the temporal lords. The pope no sooner spoke with an imperious tone, by the mouth of his nuntio, but the clergy tamely submitted, and gave the king the greatest part of his demands.

War with the Welsh. Act. Pub. T. i. p. 588. M. Paris.

How large sums soever were lately drawn out of the kingdom, Henry still continued his exactions, as well upon the citizens of London, as the rest of the kingdom. He made even the Welsh, whom he considered as his subjects, since they were become his vassals, feel the effects of his greediness. The oppressions they endured, on divers pretences, wearing out their patience, they had recourse to arms, and invaded the frontiers of England, from whence they carried away a great booty. Prince Edward would have chastised them, but it was not possible for him to raise a sufficient number of troops to stop their progress. The king's treasury was so exhausted, both by the pope and his own favourites, that not being able to furnish money for the war, he was forced to suffer the Welsh to plunder his borders with impunity. His fondness for his half brothers, and the queen's relations, was astonishing. He was not satisfied with loading them with immense presents, which disabled him to defend his kingdom, but permitted them to oppress his own subjects, by forbidding the chancellor to issue any writs to their prejudice.

The king's profuseness to his half-brothers, and the queen's relations. M. Paris.

The pope presses the king for money. Act. Pub. T. i. p. 581.

Mean time the pope was not yet content with the vast sums drawn from England. He pressed the king continually to send him money, threatening to revoke the grant of Sicily, if he did not speedily perform what he had promised. Henry excused his not having yet sent away troops into Italy with an English general, because, instead of being able to defray this fresh expence, he could not accomplish the payment of the sums demanded by the pope. But to satisfy him in some measure, he remitted him five thousand marks, and ordered prince Edward his son, who was to succeed him, to ratify the agreements relating to Sicily. In another letter on this occasion, he acquainted him, that the barons of the realm refused to subscribe to the terms that were required of him, thinking them somewhat unreasonable [f], especially since the affairs of Sicily were altered by the treachery of the marquis of Hoemburch. As soon as the pope heard that the nobles began to murmur, he thought it time to get all he could ex-

Prince Edward ratifies the contracts relating to Sicily. Ib. p. 586.

[f] These terms or agreements are to be seen at the end of tom. i. of the Publick Acts, among those that were omitted. Rapin.

pect

pect from England, plainly foreſeeing that the game he was playing would ſoon be at an end. For that purpoſe, he ſent into England a nuntio, John de Dia, with ſeveral bulls, all tending to procure money of the king, in order to pay the pope's pretended debts. By the firſt, he enjoined the biſhops punctually to pay the tenths granted to the king, notwithſtanding all letters, indulgencies, or privileges whatever. In all appearance, the deduction which they were before allowed to make, was rendered of no effect by this clauſe. Another bull granted the king for his voyage to the Holy Land, from which he had already been exempted, all the revenues of the vacant benefices. By a third, he gave him the incomes of non-reſidents. A fourth, granted him the tenths of all the eccleſiaſtical revenues of the kingdom, according to their extended value, whereas they were wont to be rated according to the antient taxations. A fifth, ordered Ruſtand to adjudge to the king the chattels of clergymen who died inteſtate. By a ſixth, he commanded the nuntio to tax all the eccleſiaſtics of the kingdom, for the aid they were to give the king, notwithſtanding all privileges granted by his predeceſſors, and all exemptions or objections whatever. A ſeventh, excommunicated all the prelates who ſhould not pay their tenths within ſuch a time. There were ſeveral others which it is needleſs to mention, ſince they all tended to the ſame end. The importunity of the creditors of Sienna and Florence ſerved always for a pretence of theſe oppreſſions. Though theſe debts ſhould have been overpaid by all the levies of money made in England on that account, they were like the Hydra, whoſe heads continually revived.

The pope ſends a nuntio with diverſe bulls. Act. Pub. T. i. p. 593, 595.

p. 599.

Ibid.

p. 600.

p. 601.

p. 602.

p. 607.

It ſeemed, that in this unfortunate reign, a concourſe of malignant influences met in England, to impoveriſh the nation. Every thing contributed to their miſery, and events ſeemingly the moſt remote, were found at length to tend to the ſame end. William earl of Holland, and king of the Romans, being killed in a ſkirmiſh with the Friſons, the electors of the empire were divided about the choice of a new king of the Romans. Some, who were the majority, gave their votes for Richard brother to the king of England, and the reſt choſe Alphonſo king of Caſtile. Richard, more diligent than his competitor, went immediately to be crowned at Aix la Chapelle, and ſupported his right by his preſence in Germany, whilſt Alphonſo acted only by ambaſſadors. However, Richard had no other advantage over his rival but that of being crowned: an honour, which coſt him ſo dear, that

1257.

Prince Richard choſen king of the Romans. Act. Pub. T. i. p. 617, 622. M. Paris. 939. T. Wikes.

Alphonſo would have been very ſorry to purchaſe it at that rate. Richard is ſaid to carry into Germany ſeven hundred thouſand pounds ſterling in ready money [g], an immenſe ſum in thoſe days, which, added to what the pope had drawn out of the nation, made a very great ſcarcity of money. The meaner ſort of people were great ſufferers by it, becauſe, the harveſt not being very plentiful, they were not able to buy proviſions, which were grown very dear [h]. All theſe evils moved not the king. Infatuated with his Sicilian project, he preſſed the clergy for a freſh aid, that of the laſt year not ſufficing, as he aſſured them, to pay his debts. As he expected to meet with great oppoſition from the prelates, he brought into the aſſembly prince Edmund his ſon, dreſſed in a Sicilian habit, imagining that, charmed like him with the ſight, they would readily grant his demands. But this artifice would have been but of little force, had not the prelates been again aw'd by the nuntio, who compelled them by his threats to grant the king forty-two thouſand pounds ſterling.

Carries over into Germany a vaſt ſum of money. T. Wikes.

The king extorts an aid from the clergy. M. Paris. p. 951.

To all the calamities England laboured under during the courſe of this year, muſt be added the war with Wales, which was vigorouſly carried on by the Welſh, and very faintly by England. Prince Edward, who undertook to chaſtiſe theſe turbulent people, was forced to retreat before them with ſome loſs. Their daily progreſs obliged the king to march againſt them. But upon his approach, they retired to their mountains, having themſelves laid waſte their borders, and thereby prevented Henry from proceeding. But this was not all. When he imagined the Welſh at a diſtance, and ſeized with fear, they ſo effectually took advantage of his negligence, as to ſurprize him and cut in pieces a good part of his army; after which, he thought only of retiring.

Continuation of the Welſh war. M. Paris. T. Wikes.

Henry is beaten.

It muſt be ſurpriſing, that at ſuch a juncture, Henry ſhould think of frightening the king of France. However, without conſidering his weak eſtate, he ſent ambaſſadors [i] to him, to

The king demands of France the reſtitution of Normandy. M. Paris.

[g] M. Paris ſays, he was ſo rich, as to be able to ſpend a hundred marks a day for ten years together, p. 942.

[h] The author of Walter of Coventry's Julius ſays, proviſions were ſo dear, that he himſelf ſaw the people fighting for the carcaſſes of dead dogs, and other carrion, and to eat the wash that was for the hogs. But M. Paris obſerves, that this was owing not ſo much to the ſcarcity of corn, as to the want of money, corn having been ſeveral times dearer than it was now, and yet none died with hunger, as many did at this time.

[i] They were no leſs than the biſhops of Worceſter and Winchester, the abbot of Weſtminſter, the earl of Leiceſter, Hugh Bigod earl of Norfolk, lately made earl marſhal, Peter of Savoy, and Robert Walleran. It ſeems as if he did this on account of the king of France's ſcruples. M. Paris.

demand

demand the reſtitution of Normandy, and the other provinces in France taken from the Engliſh. It is not known, with what view, or from what motive he renewed this pretenſion, in ſo proud and haughty a manner, that one would have thought his affairs in the moſt flouriſhing condition, and that he was able to ſupport this bravado. Lewis, who was better acquainted with his affairs than himſelf, forbore however to inſult him, contenting himſelf with roughly denying ſo unſeaſonable a demand.

The king petitions the pope to ſoften the terms relating to Sicily. Act. Pub. T. i. p. 624, 629, &c.

Mean time Ruſtand the Nuntio, who was gone to Rome for new inſtructions, ſoon returned into England, with power to excommunicate the king, if, purſuant to his engagements, he did not ſpeedily undertake the projected conqueſt. Henry ſurprized at theſe menaces, and not knowing how to ſatisfy the pope, cauſed his ſon Edmund humbly to intreat him to make the terms more eaſy on which he had accepted the grant of Sicily. This petition proving of no great effect, Henry was at length forced to appoint ambaſſadors to go to Rome, and renounce, in the name of his ſon, the grant of this imaginary crown which had already coſt him ſo dear. But this was not what the pope wanted. Far from receiving this renunciation, he ſent a new nuntio named Arlot, impowering him to make ſome alteration in the grant. But withal he ordered him to uſe his utmoſt endeavours, to engage the king more deeply by granting him ſome new favours, which coſt him nothing, ſince it was always at the clergy's expence. For that purpoſe, he charged his nuntio to publiſh a new bull, enjoining the biſhops to pay the tenths granted to the king, under pain of excommunication, "notwithſtanding all "objections, all appeals, and all letters obtained or to be "obtained, to the contrary." What is more ſtrange, and hardly conceivable, is, that the vaſt ſums ſent to the pope, not only had not at all promoted the conqueſt of Sicily, but even the leaſt part had not been put to that uſe, ſince, after the defeat of Nocera, the pope had no army on foot. Beſides the tenths, and other aids frequently paid by the clergy to the king on that account, the parliament had furniſhed conſiderable ſupplies, and yet there appeared no bottom to this gulf, which ſwallowed up all the riches of the kingdom. The clergy grieved to ſee themſelves thus oppreſſed: the people murmured no leſs, when they conſidered, that ſo much money raiſed in England, and which, it is affirmed, amounted to above nine hundred and fifty thouſand marks, was not ſuffi-

He would renounce that crown. p. 630.

A new nuntio with freſh bulls. p. 628.

Bull for money from the clergy. p. 620. M. Paris.

cient to ſatisfy the avarice of the pope, who ſtill craved for more [k].

1258. The barons begin to take meaſures againſt the king. M. Paris.

It was not poſſible but ſo many oppreſſions would at length tire the patience of the Engliſh. The barons were ſtill more aggrieved than the people, as the moſt conſiderable poſts, to which they thought themſelves alone entitled, were enjoyed by foreigners. This uſually excites the zeal of the great men, and makes them ſuch ſticklers for the good of the public. If their own private intereſt is not concerned, in vain will it be expected that the nobles expoſe their lives and fortunes in defence of the liberties of an injured people. This is a remark, at which no nation in particular ought to be offended, ſince it agrees with all times and with all places. The great men, who then lived in England, were of the ſame character. The credit and riches of the foreigners, were the chief grievance of the barons, and the real motive of their complaints. If they urged ſome other abuſes, it was becauſe they themſelves had no advantage from thence, or to gain the people to their ſide. They had hitherto thought to oblige the king to alter his conduct, by binding him with ſolemn oaths. But they perceived at length there was no ſecuring this Proteus, as an hiſtorian ſtiles him, unleſs more violent means were uſed. In this belief they began to hold ſecret conferences together, to conſider of proper expedients to reform the government, and eſpecially to exclude the foreigners. The king quickly furniſhed them with an opportunity to execute their deſigns, by calling a parliament, of whom he demanded, according to cuſtom, a powerful aid for the affair of Sicily, for as to the voyage to the Holy Land, it was no longer mentioned. The parliament, purſuant to the reſolution already taken by the principal barons, inſtead of granting his demand, vehemently complained of the breach of his promiſes, and of all the grievances in general, ſpoken of in the courſe of this reign. Henry perceiving, that a haughty carriage would be in vain on this occaſion, fell to his old artifice of appeaſing the lords, by acknowledging himſelf guilty, and promiſing to reform what was amiſs. But for once they were not ſo credulous. They told him

M. Paris. p. 968.

The king demands money of the parliament, who complain of his conduct. Id. p. 963, 964.

[k] In Midlent, this year, was held a parliament at Weſtminſter, in which the king demanded the tenths of the whole benefices in England, for five years, according to the new valuation, without any deduction or allowance. But the parliament thinking the demand unreaſonable, agreed to grant the king the ſum of fifty thouſand marks, on condition the great charter was obſerved. But Henry refuſed to accept of it. M. Paris, p. 946.

plainly,

plainly, that without leaving it to him, they designed to reform the government themselves, so as to fear no more his breach of faith. Therefore, under pretence of the difficulties in this affair, the parliament was prorogued, and the city of Oxford appointed for the place of the next session. And as he was apprehensive, that in the mean time, the barons would make preparations, which he found he could not prevent, he gave them a positive promise, that as soon as they met, he would join with them in the desired reformation. He signed likewise a charter, whereby he consented, that the articles to be reformed, should be drawn up by four and twenty lords, of whom he would chuse twelve, and promised to observe whatever should be settled by these commissioners. To give the greater authority to this charter, he caused prince Edward his son to sign it with him, to convince them of his sincerity. They had been so often deceived by the like promises, that they could not believe this to be more sincere. Without relying on the king's protestations, the barons summoned all the military tenants, and on the day appointed came to Oxford, well-attended, and resolutely bent to compel the king to perform his word. The first thing was the election of the four and twenty commissioners, who were to draw the articles of the intended reformation. The king chose twelve [l], and the other twelve were elected by the barons [m], who made Simon de Montfort earl of Leicester, president of this council. The election being over, the four and twenty drew up some articles, to which the parliament reserved to themselves a power to add, from time to time, such others as should be deemed necessary for the good of the state. They were in substance as follows:

The barons form the project of reforming the government.

Parliament adjourned to Oxford.

The king agrees to the reformation.

M. Paris. p. 968. T. Wikes.

M. Paris. p. 971.

Four and twenty chosen to settle matters.

Act. Pub. T. i. p. 655. An. Burt. p. 413, 414. M. Paris. p. 970. T. Wikes, p. 52.

I. That the king should confirm the great charter, which he had sworn so often to observe without any effect.

II. That the office of chief justiciary should be given to a person of capacity and integrity, that would administer justice as well to the poor as the rich without distinction.

[l] The bishops of London and Winchester; Henry, son to the king of the Romans; John earl of Warren; Guido de Lusignan, and William de Valence, the king's half-brothers; John earl of Warwick; John Mansel, friar; J. de Devington, abbot of Westminster; Henry de Wengham, dean of St. Martin's, London; the twelfth is omitted, but supposed to be either Peter of Savoy, or James Audly.

[m] The bishop of Worcester; the earls Simon of Leicester, Richard of Gloucester, Humphry of Hereford, Roger of Norfolk, earl marshal; the lords Roger Mortimer, John Fitz Geoffrey, Hugh Bigod, Richard de Gray, William Bardolf, Peter de Montfort, and Hugh de Eigenfer. M. Paris.

III. That the chancellor, treaſurer, juſtices, and other officers and public miniſters, ſhould be choſen by the four and twenty.

IV. That the cuſtody of the king's caſtles ſhould be left to the care of the four and twenty, who ſhould intruſt them with ſuch as were well affected to the ſtate.

V. That it ſhould be death for any perſon of what degree or order ſoever, to oppoſe, directly or indirectly, what ſhould be ordained by the four and twenty.

VI. That the parliament ſhould meet at leaſt once every year, to make ſuch ſtatutes as ſhould be judged neceſſary for the welfare of the kingdom [n].

It is certain, that twelve deputies, or repreſentatives of the commons, were preſent in this parliament; but whether it was by permiſſion or right, I mean, whether it was a new regulation, or the commons had their repreſentatives in the former parliaments, is what I dare not undertake to determine; ſince the Engliſh are not agreed in this point among themſelves. However, as in a diſpute of this nature, it is difficult to help inclining to one ſide, I readily own myſelf of their opinion who believe this to be the firſt time that the repreſentatives of the commons were admitted to ſit in parliament. And indeed, if the commons had a right to ſit there at the time we are ſpeaking of, it would be very ſtrange that they ſhould nominate but twelve repreſentatives for the whole kingdom. Moreover, all the hiſtorians agree that theſe twelve were not commoners [as now reputed] but all barons, ſtiled immediate tenants of the crown [o]. Add to this, it would be very ſurprizing, if the commons enjoyed this privilege before, that hiſtorians ſhould never diſtinguiſh them from the nobi-

[n] The Annals of Burton, where the order is drawn up in form, ſay, the four and twenty ordained, that there ſhould be three parliaments in the year; the firſt, eight days after Michaelmas; the ſecond, the morrow after Candlemaſs-day; and the third, on the firſt of June. p. 415.

[o] In the ſame Annals is the act for the election of the twelve, which was drawn up in French in this form: "Be "it remembred, that the community "have choſen twelve wiſe men, who "ſhall come to parliament, as alſo at "other times, when there ſhall be need, "and the king or his council ſhall com- "mand or ſend to them, to treat of the "buſineſs of the king and realm; and "the community will hold for eſta- "bliſhed what theſe twelve ſhall do; "and this ſhall be done to ſpare the "coſt and charges of the community." The names of the twelve are entered in the ſaid Annals thus: "Theſe are the "twelve who are choſen by the barons "retreat in the three parliaments every "year with the king's council, for the "whole community of the land, upon "the common buſineſs; namely, the "biſhop of London, the earl of Win- "cheſter, the earl of Hereford, Philip "Baſſet, John de Baliol, John de Ver- "don, John de Gray, Roger de Sa- "merie, Roger de Mortalt, Hugh de "Eſpenſer, Thomas de Greſley, and "Ægidius de Argentum." Ann. Burton, p. 415. Now all theſe were barons.

lity.

lity. And yet, among so many writers who, from the conquest to the end of the reign of Henry III. have spoken of parliaments, not one has distinguished the commons as making a distinct body or separate house from the barons. In short, it may be added, as a precedent by no means favourable to the antiquity of the right of the commons, that in France it was not till the reign of Philip the Fair, that the third estate was admitted into the general assembly of the states, as Pasquier assures us. However this be, as it is from this and another assembly, which I shall mention presently, that some date the original of the privilege of the commons, it was necessary to acquaint the reader therewith.

The parliament approving the articles drawn by the four and twenty, the king was obliged to give his assent to them, and cause all necessary orders for their execution to be dispatched. Prince Edward likewise solemnly swore to observe, and cause them to be observed, to the utmost of his power. Thus Henry, for his too great neglect of his subjects, found himself at last forced to divide with them the government of his kingdom, or rather to resign the whole into their hands. Perhaps he would have avoided this misfortune, had he been less obsequious to the court of Rome, which certainly was the principal cause of his disgrace. But it was then very difficult to keep, in that respect, a just medium. King John lost himself by too vigorously opposing the pope; and Henry, by making himself his slave.

The articles agreed on, then called the statutes or provisions of Oxford, met at first with some opposition. The earl of Warren refused to sign them. Prince Edward, who swore to them against his will, wanted to go from his oath. Henry, son to the king of the Romans, openly protested they were of no force, till the king his father, then in Germany, consented to them. This protestation drew a very mortifying reply from the earl of Leicester. Without regarding his quality, the earl plainly told him, "If the king his father refused to join with the barons, he should not enjoy one foot of land in England." But the greatest opposition was from the foreigners, and particularly the king's half-brothers and the queen's relations; especially William, bishop elect of Valence, was chiefly concerned; because the whole royal authority, now reduced within narrow bounds by these statutes, was properly in his hands. Accordingly, he publicly declared, he would not deliver up the castles, of which he had the custody. But the earl of Leicester, who was naturally impetuous, immediately replied, he should part either with the

Opposition to these articles. M. Paris.

The foreigners expelled the kingdom. Ann. Waverl. W. Rish. M. Paris.

caſtles or his head. This threat being ſupported by the reſt of the barons, the Poictevins reſolved to ſhut themſelves up in Wincheſter, plainly ſeeing they were not able to withſtand the torrent. Their flight[p] was no ſooner known, but the barons mounted their horſes and purſued them, but it was not poſſible to overtake them. However, as at ſuch a juncture, it was difficult for foreigners, ſo univerſally hated, to procure a ſufficient protection, they conſented to depart the kingdom, provided they might have ſafe conduct. This condition being readily granted, they were brought to London till they could be imbarked. It is affirmed, that during their ſtay in the city, they invited to an entertainment ſeveral lords, ſome of whom died preſently after; which gave occaſion to ſuſpect they were poiſoned. But perhaps the hatred of the Engliſh to theſe foreigners, was the chief cauſe of the ſuſpicion. Be that as it will, a few days after they embarked at Dover, and returned into their own country.

M. Paris.

The barons being thus rid of the foreigners, agreed, before their ſeparation, upon an oath of aſſociation, to ſtand by the proviſions of Oxford with their lives and fortunes[q]. If we believe an hiſtorian who has given us the particulars of this affair, the four and twenty ſoon abuſed their power, in giving all the places and offices to their relations and friends. He accuſes them alſo of holding frequent parliaments, without the king's conſent, whom they conſidered only as the ſhadow of a ſovereign.

The barons enter into an aſſociation. Ibid. W. Ruſh. p. 990.

In a parliament aſſembled at Wincheſter, the barons reſolved to ſend commiſſioners to the city of London, to invite them to join in their aſſociation. This was eaſily obtained; the Londoners having ſtill more reaſon to complain of the king, than all the reſt of the kingdom. This affair being ended, and the parliament judging it neceſſary to proceed in a legal way againſt the foreigners, who were expelled the kingdom, paſſed an act for their perpetual baniſhment. However, as Athelmar biſhop of Wincheſter was in the number of the baniſhed, there was a neceſſity of making ſome excuſe to the pope, ſince the biſhops had been long exempted from the civil juriſdiction. There was occaſion likewiſe to juſtify to the pope the conduct of the parliament, both with regard to the affair of Sicily, and the late alterations in the government of the kingdom. It was reſolved therefore, that

London enters into the aſſociation. M. Paris. p. 974.

The foreigners baniſhed.

[p] They ſtole away privately, while the barons were at dinner, in order to take refuge with their brother the biſhop of Wincheſter. M. Paris.

[q] You may ſee the form of the aſſociation in the Annals of Burton, p. 413, and likewiſe of the oath the four and twenty were to take, ibid. As alſo of the oaths of the chief juſticiary and chancellor, ibid.

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the barons should write to the pope, to inform him of what had passed. Their letter was to this effect: "That they had "been prevented, for several good reasons, from yielding to "his admonitions, with respect to the conquest of Sicily. "First, because the king had engaged in that undertaking "without their advice, and without considering the state of "the kingdom, which was by no means able to bear the ex-"pence of such an expedition. Secondly, because the con-"ditions on which the king had accepted the grant of Sicily "for the prince his son, were too hard and impracticable: "nevertheless, if the pope would mitigate them, they were "ready to prosecute that affair to the utmost of their power. "Then they vindicated the Oxford provisions, alledging the "king's incapacity and easiness to give himself up to the "guidance of such as had no concern for the good of the "kingdom. They insisted chiefly upon this, shewing by "strong reasons, that it was not proper the kingdom should "be governed by foreigners. They mentioned the bishop "of Winchester in particular, as the principal author of the "evils England groaned under. They affirmed, this prelate "was guilty of divers enormous crimes, which induced him "to desire leave to depart the kingdom, being conscious he "could not possibly render a good account of his actions. "Above all, they accused him of advising the king to break "his word and oath, which could not but be construed as a "settled design to disturb the peace of the kingdom. And "therefore, they would never suffer him to return again; "and supposing they did, the people were bent to oppose it." To give the more weight to their apology, they sent their letter to the pope by some of their own body, who were commissioned to display more fully the outrages of the bishop of Winchester, and the rest of the royal relations [r].

The barons letter to the pope, to justify what was done. Act. Pub. tom. i. p. 660. M. Paris.

The pope was not satisfied with these reasons. He wanted to continue to draw money from the king on the old pretence of the affair of Sicily; and what the barons had lately done, laid an insuperable obstacle in his way. However, not to exasperate them, he delayed sending an answer, and contented himself with privately assuring the king of his protection.

The pope continues to press the king on the Sicily affair. Act. Pub. tom. i. p. 649, 650, 6[illegible], &c.

r To this letter eleven great men put their seals, and witnessed it in the name of the whole community. Eight of [illegible] were of the number of the four and twenty, and the other three were William de Fortz, earl of Albemarle; Peter of Savoy, earl of Richmond; and James Audley. This letter was carried by four skilful and eloquent knights, who [illegible] by the bishop of Winchester and his brothers [illegible] rapine, oppression, and injury; and that [illegible] provoked the [illegible] and [illegible] him [illegible]. M. Paris.

But

But withal, as if Henry had been in a condition to ſupply him with money, he preſſed him to pay the arrears due to the Italian merchants, of which he pretended the intereſt alone amounted to a vaſt ſum. He was willing however to give him ſome ſhort time, which was no ſooner expired, but the biſhop of London received expreſs orders to excommunicate all the debtors of the Italian merchants, of what quality ſoever. But times being altered, his orders, no longer countenanced by the government, remained unexecuted. For the ſame reaſon, the conqueſt of the kingdom of Sicily was now deemed a chimerical project, tending only to the ruin of England.

Gives him ſome time.

Mean time, the unfortunate Henry, ſtript of all his authority, ſaw himſelf forced to aſſent to whatever the governors were pleaſed to preſcribe him, and to ſign all the orders preſented to him for the obſervance of ſtatutes, which deprived him of all his prerogatives. Though the earl of Leiceſter was his brother-in-law, yet of all the barons he conſidered him as his greateſt enemy, and the chief author of his diſgrace. The conſtraint he was under, did not hinder him from diſcovering to the earl himſelf what he thought of him. One day as he was going to the Tower by water, a ſudden ſtorm [of thunder and lightning] obliging him to land at the firſt ſtairs, it happened to be at Durham-Houſe, where the earl of Leiceſter then lay. He was received, at his coming out of the boat, by the earl himſelf, who, to hearten him after his fright, told him, "He need not be afraid, for the ſtorm was over." "I am beyond meaſure afraid of thunder and lightning," replied the king with a ſevere look, "but, by God's head, I "fear thee more than all the thunder in the world."

The king ſhows his reſentment to the earl of Leiceſter. M. Paris.

M. Paris.

1259. It was not without reaſon that the king ſtood in fear of the earl of Leiceſter. This earl, who was the head of the confederates, took with the reſt all poſſible meaſures to hinder him from freeing himſelf from the ſlavery to which he was reduced by his imprudence. Their reſolution not to forego their authority, manifeſtly appeared in their anſwer to the king of the Romans. This prince communicating to them by letter his deſign of returning to England, to aſſiſt them in appeaſing the troubles of the kingdom, received this mortifying anſwer:

The king of the Romans declares againſt the Oxford proviſions; M. Paris. T. Wikes.

Thus

That they would not suffer him to enter the kingdom, unless he swore to observe the Oxford-provisions. Richard received the deputies sent on this occasion, very haughtily, saying, it was strange, the barons should take upon them to alter the government in his absence, and without his knowledge, and protested he would not take the oath required of him, but would however return to England. This answer being brought to the governors, they speedily fitted out a fleet, and raised an army, to hinder his passage and landing. But these precautions were needless. As this prince was unable to surmount so many obstacles, and yet thought his presence necessary in England, he promised to submit to what was established. Upon this condition he was suffered to come over, and, upon his arrival at Dover, took the oath in the presence of the king, and a great number of barons who came to meet him [t].

but is constrained to swear to them. T. Wikes.

Since the late revolution in England, those who held the reins of the government, made it a rule to keep peace with the neighbouring princes, lest a foreign war should destroy what was so happily begun. They were apprehensive above all, that the king of France would take advantage of the present posture of affairs, to push the conquests in Guienne. This fear made them resolve to conclude a firm and lasting peace with France, by sacrificing to her all the king's pretensions to Normandy and Anjou. Besides, they hoped by this means to secure Lewis's assistance, since it would be his interest to support the form of government lately established. Indeed the execution of the intended treaty with him, depended in some measure on the continuance of the present establishment. Pursuant to this project, the earl of Leicester took upon him to go and propose it at Paris. The French saw considerable advantages in what was offered by the English, and therefore, readily looking upon the earl of Leicester as sufficiently authorized, though they were not ignorant of the situation of affairs in England, concluded a treaty with him, which Henry was forced to sign. He was even persuaded to meet Lewis at Abbeville, where the states of France were assembled, and to renounce in their presence, all his pretensions to Normandy

The barons make a disadvantagious treaty with France. M. Paris.

Act. Pub. tom. i. p. 675. W. Rish.

[t] King Henry met him at Canterbury, and both kings going into the Chapter-house, Richard earl of Glocester called upon the king of the Romans, by the name of Richard earl of Cornwal, (without any regard to his other title) to take the oath, which he did in these words: "Hear yo, all people, that I "Richard earl of Cornwal, do here "swear upon the holy gospels, that I "will be faithful and diligent, together with you the barons, to reform "the kingdom of England, hitherto too "much out of order by the counsel of "evil men; and I will be your effectual helper to expel all rebels and "disturbers of this kingdom, and will "observe this oath invariably, under "pain of losing all the lands I hold in "England." M. Paris, p. 984.

and

and Anjou [a]. Lewis in return gave up le Limosin and le Perigord, with all that France possessed beyond the Garonne, on condition he would do him homage, and take his seat among the peers of the realm as duke of Guienne. Thus by a treaty France acquired to these two provinces a right, which before was only owing to the sword. But the kings of England, successors to Henry III. did not think themselves bound by a treaty made at such a juncture.

The twenty four forbid sending to foreigners the incomes of their benefices. W. Rish. p. 990.

Whilst the king was in France, the four and twenty who governed England, thought it time to reform a very great grievance, introduced by the king's excessive complaisance for the court of Rome. This was the prodigious number of Italian ecclesiastics, who possessed all the richest benefices in the kingdom. These men, without ever residing on their benefices, farmed them out to private persons, or religious houses, who sent them the revenues into Italy. By this means, the want of money, long since complained of, daily increased. As a remedy for this evil, the governors issued a proclamation, enjoining all farmers of the foreign benefices to pay the revenues to certain persons appointed to receive them, on pain to the offenders of seeing their houses raz'd to the ground. By this precaution, England was freed for a time from these Italian leeches, who sucked the best blood of the nation.

1260. The earl of Glocester jealous of the earl of Leicester. M. West. M. Paris.

Though the barons hitherto appeared firmly united, a secret disgust was forming in the minds of some, caused by the too great authority assumed by the earl of Leicester. Whether the earl thought himself more capable and more zealous than his companions, or, as his enemies charged him, was led by his ambition to aspire to the supreme power, it is certain he usurped all the authority committed to the four and twenty. He could not continue to act thus, without raising the jealousy of his collegues, and particularly of the earl of Glocester, who tried by degrees to form a party against him.

He raises a false report of prince Edward. T. Wikes.

He began first with privately blaming his conduct, and spreading a report that he was in league with prince Edward, to place him on the throne in his father's life-time. This pretended project reaching the king's ears, then at St. Omers, he was so terrified, that he could not think of returning to England for fear of being confined, or perhaps something worse. He was told, the prince his son intended to take the govern-

a In consideration whereof, [illegible] paid him three [illegible] [illegible] p. [illegible] And from that time the king of England left out the title of duke of Normandy and Anjou, in his grants, and letters patent. W. Rishanger, p. 989.

ment

ment into his hands, and obstruct his return; and in case that could not be done, to imprison him for life. But Edward so fully and respectfully cleared himself, that he entirely effaced his father's suspicions. He even offered to submit to the judgment of the king of the Romans his uncle, refusing to acknowledge the jurisdiction of the barons of the realm, who were not his peers. But there was no occasion to give farther proofs of his innocence: Henry, at his return, seemed perfectly satisfied. The earl of Glocester finding these indirect ways did him more hurt than good, directly attacked the earl of Leicester, accusing him of many misdemeanours committed as well in Guienne as in England. Upon this foundation, he demanded a day to be prefixed for hearing his accusation against him. However, on the day appointed, seeing the earl of Leicester boldly appear to make his defence, he was afraid either of wanting evidence, or at least of his adversary's party proving too strong. So pretending some of his witnesses were absent, he desired the affair might be farther adjourned. This quarrel might have been attended with fatal consequences, had not the king of the Romans used his interest to end it, and appease the prince his nephew, who was highly incensed with the earl of Glocester. He succeeded at length, to the great satisfaction of the English, who were apprehensive, that a civil war was going to disturb the calm they began to enjoy [w]. As soon as this affair was over, Richard set out for Germany, where he had some expectations of being owned for emperor by all the electoral princes. But quickly finding, it was not in his power to dispel the factions that divided the Germans, he relinquished the project and returned to England. Here he found the king and queen of Scotland, who were come to visit the king. A few days after, arrived also John de Dreux, duke of Bretagne, to espouse Beatrix the king's second daughter, so that the court was very numerous. Though the governors had no great regard for the king's person, they however did honour to his royalty, by a magnificent reception of these illustrious guests. But it was with little satisfaction to Henry, who, not having the management of his revenues, could not value himself

who clears himself.

Glocester directly accuses Leicester,

but drops his accusation.

The breach made up by the king of the Romans, who goes for Germany, and returns again.

The king and queen of Scotland, and earl of Bretagne arrive.

T. Wikes. Act. Pub. tom. 1. p. 675, 682.

[w] About this time, as the MS chronicle relates, the king caused a folkmote of the citizens to be assembled at St. Paul's cross, where he came himself with the king of the Romans and divers other noblemen, and there told them, that all the inhabitants, above twelve years of age, should take an oath before the alderman of their particular ward, to be faithful to the king, and [illegible] his [illegible] to his heir, with [illegible], which was done accordingly. In libro de Antiq. Leg.

upon

upon the good reception his ſon-in-law met with at his own court [x].

Henry recalls the biſhop of Wincheſter, who dies on the road. T. Wikes.

Though Henry had no great ſoul, he was ſenſible however of the mortifications he daily received. He even ſought means to free himſelf from the yoke laid on him, but had none about him to adviſe with. In this perplexity he privately invited Athelmar his brother, biſhop of Wincheſter, who was gone to Rome [y], to return to England. He hoped his character, and the pope's protection would ſcreen him from the perſecutions of the barons. The biſhop was now on the road for England, where he would doubtleſs have cauſed great diſturbances, had not death ſeized him at Paris. The barons were overjoyed at the news, becauſe they were thereby freed from no little uneaſineſs. And indeed, they could not have denied him entrance into the kingdom, as they had reſolved, without breaking entirely with the pope.

The pope abſolves the king from his oath concerning the Oxford proviſons. M. Weſt. Act. Pub. T. I. p. 722.

This accident hindered not the king from purſuing his deſign, of throwing off the barons yoke. The unexpected breach between the earls of Leiceſter and Gloceſter, who were only outwardly reconciled, putting him in hopes of ſucceeding in his project, he deſired the pope to abſolve him from his oath concerning the Oxford-proviſions. His holineſs readily granted him this favour, it being no leſs his own than the king's intereſt, to alter a government ſo prejudicial to him. But Alexander dying before the diſpenſation could be ſealed, he was forced to ſtay till the holy ſee was filled. Urban IV, who was promoted to the papal throne, being as compliant as his predeceſſor, Henry ſoon pulled off the maſk. The parliament being aſſembled at London, he ſuddenly repaired thither, without acquainting any one with his deſign, and plainly told them, "That before he was made to ſign the "Oxford proviſions, they had obliged themſelves to pay his "debts, and increaſe his revenue; and ſince neither of theſe "articles had been performed, he did not look upon himſelf "as bound to keep his word." He added, "That he no "longer intended to make uſe of the counſellors impoſed "upon him, and who treated him rather like a ſlave than a

Urban IV. p. 736. W. Riſh.

1261. The king declares to the parliament that he will no longer obſerve the Oxford-proviſions. Act. Pub. T. I. p. 746.

[x] About this time alſo there was held a parliament, where a new juſticiary, chancellor, and treaſurer, were appointed by the barons, in the places of thoſe that were either lately dead, or had reſigned; as Nicholas, archdeacon of Ely, was made keeper of the great-ſeal; the abbot of Peterborough, treaſurer; and Hugh d' Eſpenſer, chief juſticiary. T. Wikes.

[y] To get his election to Wincheſter confirmed, which was done, and alſo a letter was ſent by the pope to the king and barons, to intercede for his re-admiſſion; but the anſwer, printed in Dr. Brady, againſt Mr. Petyt, was a flat denial.

"king."

"king." After this brief declaration, he retired to the Tower, the governor whereof he had gained, and ſeized upon all the treaſure lodged there [z]. This firſt ſtep being taken, he turned out by proclamation all the officers and magiſtrates choſen by the four and twenty, and nominated others in their room. In ſhort, he ſhewed by his whole conduct, that he was reſolved to reign with the ſame liberty, as before the parliament of Oxford. T. Wikes. He retires to the Tower, and turns out all the officers choſen by the twenty four.

Prince Edward, then at Paris [a], having notice of what paſſed in England, returned with all ſpeed, to endeavour to prevent the impending evils. He ſufficiently knew the king his father to have reaſon to fear, he had proceeded without taking proper meaſures, and his fears were not groundleſs. The barons impatiently waited his return, in expectation, that being more knowing than the king, he would apply himſelf warmly to prevent the miſchiefs the kingdom was threatned with. To prepare the way for him, they preſented an addreſs to the king, praying him to obſerve his oath, and offering on their part, to amend ſuch articles as ſhould be found too ſevere upon him in the Oxford-proviſions. Henry pretending, nothing could be done till his ſon's arrival, returned no anſwer to this propoſal, which by no means agreed with his projects. He was no leſs impatient than the barons, to ſee the prince, in hopes he would ſtrengthen his party. But he was extremely ſurprized, when he found, the prince, at his return, openly blamed him for breaking his word. He was thunderſtruck at this, which was followed by ſomething ſtill more grievous. The earls of Leiceſter and Gloceſter, upon whoſe diſſention he relied, were reconciled, to prevent their common ruin, and ſwore once more to the Oxford-proviſions. The barons party being conſiderably ſtrengthened by this union, they ſent the king word, if he would not voluntarily remove from about his perſon, all evil counſellors, they would find means to compel him. This weak prince, who had raſhly engaged in an undertaking which he ſaw he could not go through with honour, choſe to return them no anſwer. Mean time, he continued in the Tower, from whence he durſt not ſtir, for fear of being delivered into their hands. Edward returns from Paris. Ibid. Act. Pub. T. I. p. 743. The barons addreſs the king, who returns no anſwer. W. Riſh. Edward blames his father. The earls of Gloceſter and Leiceſter unite, and threaten the king.

[z] The public treaſure had for ſome time been kept there. T. Wikes. M. West.

[a] He was gone thither in company with the duke of Burgundy's ſon, and the two ſons of the earl of Cornwall (whom the king had knighted) at a great tournament. T. Wikes.

An accommodation ſet on foot. M. Weſt.

In this ill ſituation, he ſaw no other remedy, but to treat with the barons. He perceived his condition would be but more unhappy, if he vainly perſiſted to proſecute his deſign. Matters even ſeemed to tend to an accommodation, by the conceſſions of both parties. But this proſpect laſted not long.

The king breaks it off by his indiſcretion.

Henry thinking to make his cauſe better, by urging the pope's authority, gave occaſion to widen the breach, by unadviſedly ſhewing the bull, which abſolved him from his oath. The diſcovery of this ſecret, which he ought to have concealed at ſuch a juncture, did him an irreparable damage. The barons, who till then were in hopes to bring him to equitable terms, reſolved to lay aſide all ceremony. They plainly ſaw, there was no reliance upon an accommodation, to which the moſt ſolemn oath could give no manner of force. Purſuant to this reſolution, they formed a deſign to ſurprize the king in Wincheſter, where he was gone in hopes that the negotiation would have a good iſſue. But Henry receiving timely notice, retired again to the Tower. As ſoon as he found himſelf ſafe, his firſt care was to ſend into all the counties, orders to turn out the ſheriffs appointed by the four and twenty, which cauſed a general confuſion in the whole kingdom. Some were for obeying the ſheriffs nominated by the king, whilſt others refuſed to acknowledge them [b].

They try to ſurprize him. T. Wikes. M. Weſt.

The Cinque-Ports declare againſt the king. M. Weſt.

Mean time, the barons continuing to take meaſures to oppoſe the king's deſigns, prevailed with the governors of the Cinque-Ports to fit out a fleet to guard the coaſt, leſt ſuccours ſhould come from ſome foreign prince. The Cinque-Ports were obliged by their charter to equip fifty men of war whenever the king's ſervice required it [c]. Upon this occaſion, the barons of the Cinque-Ports, interpreting the king's ſervice by that of the kingdom, pretended to ſerve the king, by making uſe of their forces againſt him. This maxim will not appear very ſtrange, when it is conſidered, that in England the king and the ſtate have always been deemed but one and the ſame

[b] The writ of letters iſſued out by the king on this occaſion, are upon record, and printed in Dr. Brady's appendix, No 220. The ſubſtance of them was, "That the barons not having performed their part of the Oxford-proviſions, he had got himſelf abſolved by the pope from his oath to obſerve them. That he was ready to do juſtice to all men in his courts, and to keep the ſtatutes of the great charter, and charter of liberties, which the ſheriffs were ordered to "proclaim in all places," &c.

[c] From hence may be ſeen the great power of the Cinque-Ports in thoſe days, to which the chief guard of the kingdom, by ſea, was then committed, and which found the king no leſs than a fleet of fifty ſail, each town according to its proportion; and this they were to do for the privileges they enjoyed.

body. Upon this foundation it is affirmed, that when the king comes to ſeparate his intereſts from thoſe of the public, he loſes his prerogatives, which are rather the prerogatives of the crown, than of the ſovereign's perſon.

Every thing manifeſtly tended to a civil war. But the fear each part were under of rendering their condition worſe, ſuſpended the effects of their mutual enmity. Whilſt the king and the barons were equally deſirous to avoid the blame of beginning the war, the king of the Romans improved this diſpoſition, to try to procure a good peace. His mediation being accepted, he prevailed with the king his brother, to promiſe, that he would confirm the Oxford-proviſions, and with the barons to depart from ſuch articles as were moſt diſpleaſing to the king. In all appearance, the four and twenty were then deprived of their authority, and the rather, becauſe from the beginning of the troubles it was not generally acknowledged. The earl of Leiceſter refuſed to conſent to this agreement, and choſe to retire into France. He ſaid, he durſt not rely on the word of a prince, who ſcrupled not to break his oath, when he found it for his intereſt. Among the barons who ſigned this agreement, there were ſeveral no leſs diſſatisfied with it. But as the majority gave their conſent, they choſe rather to accept it, than be deemed alone the cauſe of the troubles. By this treaty, England ſeemed to be reſtored to its former tranquillity. But the fire which lay concealed under the cinders, ſoon rekindled and burſt out into new flames.

1262. The king promiſes to confirm the Oxford-proviſions. M. Weſt.

Leiceſter retires into France. T. Wikes.

During this calm, which Henry hoped long to enjoy, the affairs of Guienne obliged him to go over to Bourdeaux, where falling ill of a quartan-ague, he ſtayed longer than he deſigned. Richard earl of Gloceſter dying in the mean while, his ſon Gilbert immediately repaired to Guienne to be inveſted with his father's inheritance. Henry having no kindneſs for that lord, was ſollicited ſome time before he would do him that juſtice. And it was not till after receiving a conſiderable preſent, that he ſent him away ſatisfied.

Henry paſſes into Guienne. Act. Pub. T. I. p. 748, 750.

Gloceſter dies, and is ſucceeded by his ſon. M. Weſt.

The king's abſence afforded Leiceſter's friends an opportunity to renew their cabals, and unite the party divided by the late treaty. They compaſſed their ends the more eaſily, as the king gave the barons a plauſible pretence to complain, by delaying to confirm the Oxford-proviſions. When the earl of Leiceſter was informed that this party began to revive, he ſpeedily returned into England, where his preſence entirely reſtored the courage of thoſe who, out of fear or weakneſs,

The party of the barons unite. M. Weſt.

Leiceſter returns. T. Wikes.

and the king likewise.

ness, had signed the late agreement[d]. Upon this the king came over in haste, but it was now too late. The barons had resolved to put themselves in a condition not to fear his inconstancy. Immediately after his return, they presented an address to him, calling upon him to confirm the statutes of Oxford, pursuant to his agreement, and threatning, in case of refusal, to take such measures as would not be agreeable. They were in hopes, that fear would oblige him to grant their demand, and it was a great surprize to them to find themselves called rebels, and threatned with the severest punishments. It will doubtless seem strange, that the king, in his present circumstances, should behave thus haughtily. But he had a private reason unknown to the barons. During his voyage to Guienne, he had gained the king of the Romans and prince Edward. The last had now raised some foreign troops, under colour of employing them against the Welsh, but in reality to oppose them to the barons. The war however did not break out so soon. There were still some negotiations, but which served only to widen the breach, and give the barons time to prepare themselves. During this interval, Edward carried the war into Wales, where however he did nothing considerable, for want of money to pay his troops. In this sad situation, the prince, unwilling to disband his army, and not having where-withal to satisfy them, thought he might use some extraordinary method to raise the money he wanted. On a sudden he came to London, and without communicating his design, led a company of armed men to the new temple, and took out of the treasury of the templars ten thousand pounds sterling, deposited there by the citizens. This violence raised loud murmurs among the parties concerned; but their complaints were in vain. The prince had caused the money to be conveyed to Windsor castle, from whence it would be very difficult to take it by force.

1263.

The barons present an address. An. S. Aug. T. Wikes.

The king threatens them.

He gains his son Edward, and the king of the Romans. T. Wikes.

Edward takes ten thousand pounds from the templars by force. An. S. Aug.

Urban threatens

Whilst these things passed in England, Urban IV. altered his measures with respect to Sicily, and took no care to give

[d] Upon his arrival, the earl appeared at a great council held by Philip Basset the justiciary, and produced a brief from the pope, wherein he confirmed the provisions of Oxford, and recalled the king's absolution, declaring he was deceived in granting it. This brief was publicly read to the council, contrary to the will of the justiciary, [illegible] put in by the king's [illegible] as soon as the [illegible] had published it, he went back into France. This passage is found in no other writer, except the manuscript chronicle of St. Augustin; and, if true, gives us the reason of the so sudden change in the [illegible] humour, from what it was in the beginning of this year, and [illegible] of what happened the [illegible], as will be seen presently. But if the absolution was recalled, it was shortly after re-confirmed.

any

any notice to Henry. The revolution in England cauſing him to conſider that kingdom as an exhauſted fund, he turned to France, and entered into a negotiation with Charles earl of Anjou, to place that prince on the throne of Sicily. To prepare Henry for this change, he wrote him a long letter, wherein, after reproaches for what the holy ſee had done for him, he complained of the non-performance of his promiſes. In ſhort, he let him know, he ſhould be forced to ſeek in another prince ſpeedier and more effectual ſupplies.

Henry to give Sicily to another. Act. Pub. T. I. p. 769.

Mean time the negotiation between the king and the barons was ſtill continued, but proceeded very ſlowly; both parties having no other intention but to lay upon each other the blame of the rupture. At length the earl of Leiceſter, fearing theſe delays would only tend to corrupt his adherents, convened an aſſembly of the barons, where it was unanimouſly reſolved to maintain the Oxford-proviſions by arms [e]. This reſolution being taken, they choſe the earl of Leiceſter for general, and each went and drew together the troops which were already prepared, in the uncertainty of the ſucceſs of the negotiation. The foreigners, diſperſed in the kingdom, were the firſt that felt the ſad effects of this rupture. The people were ſo exaſperated againſt them, that, without diſtinguiſhing the innocent from the guilty, they perſecuted all alike that could not ſpeak good Engliſh, that mark alone being ſufficient to render them odious. On the other hand, the earl of Leiceſter plundered without mercy the eſtates of the king's favorites and counſellors, and publicly declared, he would hearken to no propoſals of peace, till they were all entirely deſtroyed [f]. As the king had no army to withſtand the barons, he ſtill remained in the Tower of London, whilſt they became maſters of Glocester, Hereford, Bridgnorth, Worceſter, and other places near the Severn. Theſe conqueſts were followed with the declaration of the city of London in their favour. The Londoners eagerly embracing the opportunity of being revenged of the king, ſent him word, they were reſolved to adhere to the Oxford-proviſions, and to

The beginning of the barons wars. Ib. p. 772. T. Wikes. p. 56.

Leiceſter choſen general.

Foreigners ill treated. W. Riſh. p. 992.

London declares for the barons. T. Wikes.

[e] And farther, according to the city annals, they ſent a letter, (ſealed by the lord Roger Clifford, in the name of the reſt) to petition his majeſty to observe the proviſions of Oxford, and to put all thoſe that oppoſed them, the king, queen, and their children excepted.

[f] The ſtorm fell upon John Mansel and Robert Waleran, who were thought to be the king's chief adviſers not to come to an agreement. And likewiſe on Simon de Walton, biſhop of Norwich, upon which Mansel had published the pope's bull to abſolve Henry from his oath to the Oxford-proviſions. Ann. S. Aug. T. Wikes.

ſhut their gates againſt the foreigners, in caſe he ſhould think of bringing any into the city.

The barons preſent an addreſs to the king. T. Wikes.

Though theſe happy beginnings gave the barons great reaſon to hope well of their enterprize, they believed, that to gain the people ſtill more to their ſide, it was neceſſary to ſhew, they had taken up arms with grief, and were ready to lay them down with joy. To that end, they preſented to the king a petition drawn up in very reſpectful terms, wherein they offered to conſent, that a free parliament ſhould review the Oxford-proviſions, and annul ſuch articles as were found too prejudicial to the royal authority. But withal, they deſired, that the king ſhould confirm the reſt, and the kingdom be governed by the natives, as was practiſed in all other countries. This petition had no effect upon the king, who, though ſhut in the Tower, expected every moment his ſon to come and relieve him. This too was what the barons feared; and therefore, to prevent the deſigns of prince Edward, they poſt themſelves at Thiſtleworth, through which place he muſt neceſſarily paſs to deliver the king. The barons precaution cauſed the king to alter his reſolutions. As he began to deſpair of relief, he found himſelf obliged to ſend them word, he would confirm the proviſions of Oxford. This was all the barons wanted, ſo that a treaty containing four principal articles, was eaſily concluded, namely [g], I. That the king's caſtles ſhould be put into the hands of the barons. II. That the proviſions of Oxford ſhould be inviolably obſerved. III. That all foreigners, except ſuch as ſhould be allowed of by the unanimous conſent of the barons, ſhould be baniſhed the realm. IV. That the adminiſtration of affairs ſhould be committed to the king's natural ſubjects, approved of by the barons.

Henry agrees to a treaty. Act. Pub. T. I. p. 768. M. Weſt.

Articles of the treaty. M. Weſt. W. Riſh. p. 993.

This agreement would have reſtored peace to the kingdom, had the king conſented to it with deſign to perform it. But as his ſole view was to free himſelf from his troubleſome ſtate, it was not long before he broke it. The inſolence of ſome Londoners did not a little contribute to his taking this reſolution. One day, as the queen was going by water to Windſor, the mob, juſt as ſhe was going to ſhoot the bridge, hollowed at her in a manner very mortifying to a queen. They not only us'd foul reproaches, but ſome were ſo brutiſh

The queen inſulted by the mob. M. Weſt. T. Wikes.

[illegible] M. Weſt.

as to caſt dirt and ſtones at her [b]. The king was extremely incenſed at this inſult, and it ſerved to confirm him in his reſolution of making a vigorous effort for the recovery of his authority. He began therefore to ſtore with arms and proviſions the caſtles that were ſtill in his power, which was a ſufficient hint to the barons to be upon their guard. Henry reſolves to exert himſelf.

Matters ſtanding thus, it was hard to ſay whether the kingdom was in peace or war. Though hoſtilities were not yet begun, the diſtruſt on both ſides was ſo great, that the two parties looked upon one another as real enemies; each being ready to take what advantages ſhould offer. During this ſtate of uncertainty, prince Edward thought it neceſſary to ſtore with proviſions Briſtol caſtle, of which the king his father had entruſted him with the cuſtody. To that end he came to Briſtol, and would have obliged the citizens to find him what proviſions he wanted. As people then ſtood diſpoſed, this demand, made perhaps a little too haughtily, raiſed a ſedition among the townſmen, which forced the prince to retire into the caſtle. He was no ſooner there, but the inhabitants reſolved to beſiege him, or at leaſt to keep him ſo cloſely blocked up, that he ſhould not eſcape; well knowing that for want of neceſſaries he could not long reſiſt. This reſolution threw Edward into a very great ſtreight. He got out of it however by a device, which indeed freed him from the preſent danger, but ſoon brought him into another, from which he did not diſengage himſelf ſo eaſily. He ſent for the biſhop of Worceſter, and intimated to him, that he intended to adhere to the barons; but deſired firſt to talk with his father, to perſuade him to give them entire ſatisfaction: that not being able to execute this deſign, by reaſon of his being blocked up, he intreated him to be ſecurity for him, and accompany him to London, to be a witneſs of his conduct. The biſhop being perſuaded of the prince's ſincerity, told the citizens of Briſtol, it would be for the good of the common cauſe to let Edward go; to which they conſented, and the blockade was raiſed. The prince ſet out in company with the biſhop, who did not queſtion but this journey would prove ſucceſsful. But when they came near Windſor Edward clapping ſpurs to his horſe, rid away from the biſhop, without taking leave, and ſhut himſelf up in the caſtle. However, this fraud did not turn ſo much to the prince's advantage as he expected. The biſhop, provoked at this deceit, Prince Edward blocked up in Briſtol caſtle by the citizens. M. Weſt. He gets off by a device, and ſhuts himſelf up in Windſor. W. Rob.

[b] Matthew of Weſtminſter ſays, the people of the iſle of the birds, as they were very much againſt the king's ſigning the late treaty. This inſult was Lewes, as will be ſeen hereafter.

carried his complaints to the barons, who immediately reſolved to lay ſiege to Windſor. The caſtle was ſo ill provided for its defence, that Edward thought he could not ſtand a ſiege. But, on the other hand, he could not reſolve to loſe the place. As he depended very much upon his addreſs, he imagined, it would not be impoſſible to amuſe the barons by a negotiation, which would leave him in poſſeſſion of the caſtle upon certain terms, the performance whereof would be in his power. For that purpoſe, he went himſelf to the earl of Leiceſter, who was advancing towards Windſor. He met the general at Kingſton upon Thames, where he held a conference with him. But as he was preparing to return, without coming to any agreement, he was ſeized [i], and by that means forced to accept of what terms were impoſed on him. He was required to ſurrender the caſtle to the barons, and to order the garriſon, conſiſting wholly of foreigners, to depart the kingdom.

Is ſeized at a conference, and forced to deliver up the caſtle. ibid.

The war ſeemed to be going to rekindle with greater fury than ever, ſo much did the two parties appear exaſperated againſt one another. Nevertheleſs, as the king was not ready, and as it was the barons intereſt to let him begin the hoſtilities, in order to gain the people to their ſide, ſome peaceable perſons took the opportunity to mediate a truce, which was followed by a peace on the ſame conditions with the former [k]. But this treaty reſtored not tranquillity to the kingdom. As the king was forced to it, he ſoon broke it, by endeavouring to ſurprize Dover caſtle, then in the hands of the barons. This attempt obliging both parties to take arms up again, each tried to ſtrengthen his party, by ſeizing ſeveral places. The Londoners, though inclined to the barons, were however obliged to keep a ſort of neutrality, having experienced how liable they were to be annoyed by the garriſon of the Tower, which was always in the king's hands. Beſides, Henry had ſtill in the city a good number of adherents, who were a check upon the oppoſite party. Mean time, the earl of Leiceſter, conſidering of what importance it would be to have the metropolis on his ſide, marched towards it through Surry, in hopes that his friends [l] would be able to open to

Truce between the king and barons. T. Wikes. M. Weſt.

The king begins hoſtilities.

The earl of Leiceſter wants to be maſter of London. T. Wikes. M. Weſt.

[i] By the advice of the biſhop of Worceſter. M. Weſt.

[k] The king being outwardly reconciled to the earl of Leiceſter and his party, the lord Hugh l'Eſpenſer was again made juſticiary, in the room of Philip Baſſet, and the earl of Leiceſter was made high ſteward of England, and Sir Roger de Leyburn, who had been looked upon as one of the king's greateſt enemies, was likewiſe made ſteward of the houſhold. T. Wikes. M. Weſt.

[l] The chief of whom were, Thomas Fitz-Richard, the mayor, Thomas de Pynleſdon, Matthew Bukerel, Michael Tony, &c. T. Wikes.

him the gates of the bridge. But the king having notice of this design, left the Tower, and encamped with his troops about Southwark, with intent to oppose the enemies passage. The earl of Leicester, who relied more on the assistance of the citizens than on his own forces, vigorously attacked the king's troops, in expectation that the Londoners would favour his entrance. During the fight, some citizens of the king's party, perceiving the city was in motion to assist the earl, locked up the bridge gates, and threw the keys into the river [m]. This contrivance had like to prove fatal to the earl of Leicester, who for some time was in great disorder, having brought with him but few soldiers, for fear his design should be discovered. But at length the gates being broke open, and the citizens sallying out in multitudes to his assistance, the king was forced to retire, and the earl entered the city.

Skirmish in Southwark.

The earl enters the city.

1264. The advantage gained by the barons was attended with the usual effect; that is, the king made them proposals of an agreement. But as all the treaties hitherto concluded were fruitless, because the king complained of being forced to accept of too rigorous terms (which the barons denied) it was agreed on both sides, to refer their differences to the arbitration of the king of France. Lewis accepting the mediation, Henry, attended by prince Edward, met him at Amiens, where the states-general were assembled. The sentence pronounced by Lewis, was favorable to Henry. He declared the provisions of Oxford to be null and void; restored the king to his antient power; adjudged that he might nominate all the great officers of the crown; and that foreigners were as capable of offices and dignities, as the English themselves. But he added one clause, which destroyed the whole, by declaring, "It was "not his intent to abrogate the privileges granted to the "English, by their kings, before the parliament of Oxford [n]." The barons looked upon this clause as a manifest contradiction, because they pretended, the provisions of Oxford were enacted only to corroborate their privileges. This furnish-

The king and barons refer their differences to the king of France. T. Wikes. p. 58. M. West. W. Rish. Lewis's sentence, Act. Pub. tom. i. p. 776.

rejected by the barons.

[m] The chief contriver of this design, was one John Gisors, a Norman by birth. M. West.

[n] "Nolumus autem, nec intendimus derogare per praesentem ordinationem in aliquo regni privilegiis, chartis, libertatibus, statutis, & laudabilibus consuetudinibus regni Angliae, quae erant ante tempus provisionum ipsarum." That award (which you may see at large in Tyrrel's Appendix, No 7.) bears date Feb. 3, 1264, in father Dachenio's Spicilegium, because the French began not their year till our Lady-day; whereas according to the accounts of all our former historians, the year began on Christmas-day, and in the sentence is dated, as here in Rapin, in 1263.

ed them with a pretence to reject the award, and renew the war.

The war renewed. T. Wikes. M. Weſt.

The account of what paſſed between the two parties, till the famous battle of Lewes, is clogged with ſo many confuſed circumſtances, for ſuch as know not the ſituation of the places, that it muſt be very tedious. It is better to haſten to that remarkable event, which put an end to the quarrel, in favour of the barons. I ſhall only obſerve, that during the interval between the renewal of the war and the battle, Henry obtained ſeveral advantages over the barons; and alſo by means of his ſon, and the king of the Romans, gained ſeveral of the lords, who conſiderably ſtrengthened his party. Moreover, he became maſter of Oxford, from whence he expelled the ſcholars, for ſhowing too much partiality to the barons. Northampton was taken by ſtorm by the king's troops, where fifteen barons and ſixty knights were made priſoners [o]. The king was like to have hanged them all; but the advice of his generals, and the fear of reprisals, diverted him from proceeding to that extremity. The taking of Northampton, was followed by that of Nottingham. Then the king marched into Kent, where he obliged the barons to raiſe the ſiege of Rocheſter, and retire to London.

The king gains ſeveral advantages. T. Wikes. M. Weſt.

He approaches London; T. Wikes. W. Riſh. p. 994.

The king was equally ſuſceptible of preſumption and fear, according to the poſture of his affairs. Flushed with the ſucceſs of his arms, he reſolved to march directly to London. He did not queſtion but the city, diſcouraged by his late advantages, would declare in his favour. Perhaps his hopes would not have been groundleſs, if, ſince his being on the throne, he had treated the citizens more civilly. But the remembrance of their ill uſage, prevented them from expoſing themſelves to the like danger. The earl of Leiceſter taking occaſion from the king's approach to exaſperate them againſt him, managed ſo dextrouſly, that he perſuaded them to go out and offer him battle. Henry was ſurprized at this, and being unwilling to hazard a battle with them at their own gates, retired, and encamped at Lewes in the county of Suſſex.

retires to Lewes.

[o] It was taken April 5. The ver-

Mean

Mean time, the earl of Leicester, with the confederate barons, reinforcing their army with a strong body of Londoners [p], marched out of the city in pursuit of the king, with intent to decide the quarrel by a battle. Pursuant to this resolution, they advanced towards Lewes, and encamped about six miles from the king's army [q]. This they did, to try whether there might be still some means to restore peace to the kingdom. Perhaps they really wished it, or else it was only to clear themselves from the blame of what should follow upon the king's refusal to accept of reasonable terms. Before they approached any nearer, they sent the king word [r], that they had taken up arms, not to withdraw their allegiance, but only to reform what was amiss in the government: that they humbly besought him to join with them in that work, protesting he should find them as faithful as those, who under colour of serving him, sought only his ruin, by setting him against his most dutiful subjects, by their infamous calumnies. How respectful soever this letter might be, it touched those about the king too sensibly to be received with moderation. The king of the Romans and prince Edward were so offended at it, that they answered it with the lie, defiance, and threats, and prevailed with the king to send the like answer [s]. If it be true, as it is not unlikely, that the barons made this step only to clear themselves from blame, they were glad of so plausible a pretence to push things to extremity. Accordingly, without farther ceremony, they sent the king word, that they renounced the fealty they owed him, and considered him no more, but as an enemy to the state [t].

The earl of Leicester follows him, and presents a petition; M. West. p. 386.

which is haughtily rejected. M. West. W. Rish. p. 994.

They renounce their fealty.

All hopes of agreement being lost by the animosity of both parties, nothing was thought of but a battle. The earl of Leicester advancing with his army, drew it up in order of battle near the king's, who was preparing to receive him. The royal army was divided into three bodies, of which that on

Battle of Lewes. M. West. T. Wikes.

p Fifteen thousand. M. Westm.

q At Flexinge. M. Westm.

r In a very respectful letter, sealed by Leicester and Glocester, at the request of the rest. M. Westm.

s In his answer, dated the 14th of May, 1264, at Lewes, he says, "That "not himself, but they were indeed "the cause of all the war, dissolution, "rapine, and misery which had be- "fallen the nation; that their intent- "tions were not exceeding in their "professions, nor their actions vorea- "able to their pretences, and therefore "he defied them." The king of the Romans letter bears the same date. M. Westm. W. Rish.

t But this was not till they had interested with the king, by Henry bishop of London, and Walter bishop of Worcester, for peace, and offered thirty thousand pounds in consideration of the damages done by them in the kingdom; yet so, that the provisions of Oxford might stand good. T. Wikes. W. Rish.

the

the right was commanded by prince Edward [u], the king of the Romans was on the left [w], and Henry himſelf headed the main body. The barons army was divided into four bodies. The firſt was led by Henry de Montfort, the general's ſon [x]; the earl of Gloceſter [y] commanded the ſecond; the third, wholly conſiſting of Londoners, was on the left, commanded by Nicolas Segrave; the fourth was headed by the earl of Leiceſter. The two armies being thus drawn up, prince Edward began the fight with attacking the Londoners, who not being able to ſtand ſo vigorous a charge, immediately took to their heels. As the prince was animated with a deſire of revenging the affront done the queen his mother by the London mob, he purſed them above four miles, without giving them quarter. But this revenge coſt him dear. Whilſt he purſued his victory, with more eagerneſs than diſcretion, the earls of Leiceſter and Gloceſter gained the ſame advantage over Henry and the king of the Romans. The barons being ſenſible what their lot would be in caſe they were vanquiſhed, attacked with a deſperate fury the royal troops, who had not the ſame reaſon to fight with that animoſity. Accordingly, they took to flight, after a faint reſiſtance, leaving the two kings in the hands of their enemies. Henry ſurrendering himſelf to the earl of Leiceſter, and Richard to the earl of Gloceſter, were conducted to the priory of Lewes, ſituated at the foot of the caſtle, which was guarded by ſome of the king's troops. To this place the ſoldiers of the royal army fled, in order to retire into the caſtle. But when they ſaw the town in the power of the barons, the two kings made priſoners, and in all appearance themſelves going to be ſurrounded, they threw down their arms, and ſurrendered at diſcretion [z].

Edward beats the Londoners, and purſues too far. M. Weſt. Hemingf. W. Riſh.

Henry and the king of the Romans made priſoners. W. Riſh.

Mean time, prince Edward, who was returning in triumph from the purſuit of the Londoners, was extremely ſurprized

[u] Together with William de Valence earl of Pembroke, his uncle, and John earl of Warren and Surrey. This laſt, and William de Valence, Guy de Luſignan, Hugh Bigod, and many others, ran away during the fight, and eſcaped into France. M. Weſtm.

[w] With his ſon Henry. The king's ſtandard was then a dragon. M. Weſt.

[x] And the earl of Hereford and Eſſex. W. Riſh.

[y] Gilbert de Clare, with John Fitz-John, and William de Montcanſis.

[z] This battle was fought on the 14th of May. About five thouſand perſons fell on both ſides; and among the reſt of the king's adherents, William de Wilton, the juſticiary, Fulk Fitz-Warin; and of the barons ſide, Ralph Horinganger, and William Blund, the earl of Leiceſter's ſtandard-bearer. Beſides thoſe mentioned by Rapin, the following perſons of note were made priſoners, Humphrey de Bohun earl of Hereford, William Bardolf, Robert de Tatteſhale, Roger de Someri, Henry de Percy, Philip Baſſet, John de Baillol, Robert de Brus, John Comin, &c. M. Weſtm.

to see the royal army dispersed, and to hear the two kings were prisoners. His first thoughts were, to exert his utmost to free them. If this resolution could have been immediately executed, it would have infallibly changed the face of affairs. The conquerors, employed in guarding their prisoners, or dispersed in pursuit of the flying enemies, would have found it difficult to withstand a vigorous attack. But the prince's soldiers, dismayed at the defeat of the rest of the army, and the captivity of the two kings, showed no inclination to renew a fight which to them seemed too unequal. This fear, which all Edward's sollicitations could not overcome, made him lose so fair an opportunity, wherein, very probably, he would have gained great reputation. Mean while, the earl of Leicester drew his army together again, with all possible expedition. At first, he thought only of defending himself, justly dreading to be attacked in his present disorder: but when he saw he had time to rally his troops, his only concern was to hinder the prince from escaping. To that end, he sent him proposals to amuse him, whilst, by several detachments, he took care to prevent his retreat.

Edward retiring from the pursuit, suffers himself to be amused by Leicester. M. West. Hemingf. W. Rish.

Edward's uncertainty what course he should take, the opposition of his own troops, the time spent in trying to animate them, and the several messages from the earl of Leicester to amuse him, were the cause of his losing so many precious hours, which should have been employed either in fighting, or retreating in good order. But having done neither, he found himself on a sudden surrounded on all sides, and under a necessity of accepting conditions, which appeared tolerable in his ill situation. This negotiation, which lasted but a few moments, was ended by these articles: That the statutes of Oxford should be inviolably observed; yet so, that they might be amended by four bishops or barons chosen by the parliament: and if these four commissioners should not agree, they were to stand to the arbitration of the earl of Anjou, brother to the king of France, assisted by four French noblemen. Thus far all went well for the prince, but the last article was the worst, that himself and Henry his cousin, son to the king of the Romans, should remain as hostages in the custody of the barons, till all things were settled by authority of parliament. How hard soever this article was, Edward, who saw no remedy, was forced to consent to it. These articles, called the Mise, that is to say, the agreement of Lewes, were signed by Edward, and confirmed by the king, who was not in condition to reject them.

He can neither fight nor retreat.

Accepts of hard terms.

Annals of London.

The Mise of Lewes.

The

The earl of Leiceſter having the king and almoſt all the royal family in his power, took all the advantages that his policy could ſuggeſt to him. He, who a little before ſcrupled not to diſobey the king, becauſe he was directed by evil counſellors, now only uſed that monarch's name. He made him ſend orders to the governors of his caſtles to ſurrender them to the barons. He cauſed him to ſign commiſſions to the ſheriffs of the ſeveral counties, impowering them to take up arms againſt all that ſhould dare to diſturb the ſtate, that is, againſt the king's own friends. In ſhort, he who had been ſo troubleſome to the king, on purpoſe to curb the exorbitant power he would have aſſumed, took it very ill that this ſame king, when guided wholly by his counſels, was not implicitly obeyed. Thus it is that men alter their principles and maxims, according to their intereſts, and as their affairs come to have a new face. But theſe are reflections that would too frequently occur, ſhould we ſtay to make them every time there was occaſion.

As the barons had no other view in the agreement of Lewes, but to ſecure the perſon of prince Edward, they were not very forward to perform it. On the contrary, they drew up a new plan of government, and reſolved to have it confirmed by the parliament which was to meet on the 22d of June. The poſture of the affairs of the kingdom rendered the calling of this parliament liable to many difficulties. Indeed it was done in the king's name, who could not oppoſe it. But the victorious barons were not willing, thoſe of the contrary party ſhould be ſummoned, under pretence, they were ſtill in arms againſt their country. On the other hand, a parliament conſiſting only of part of thoſe who had a right to ſit there, ſeemed to want a lawful authority. It might be objected, that it was only an aſſembly of private perſons. Theſe difficulties put the barons upon contriving how to make this aſſembly more general, and give it a greater air of authority. They made the king ſign commiſſions, appointing in each county certain officers or magiſtrates called Conſervators, on pretence they were deſigned for preſerving the privileges of the people. Theſe officers, who depended wholly on the barons, were inveſted with great authority. Their commiſſion impowered them to do whatever they ſhould judge proper, to preſerve entire the rights and liberties of the ſubject. This ſtep being taken, the king was made to ſign new orders to the conſervators, to ſend

up

up [a] four knights of each county to ſit in the enſuing parliament, as repreſentatives of their reſpective ſhires. From hence many affirm, the original of the right of the commons to ſit in parliament takes its date. They maintain, this is the firſt time, that the ſeveral counties undeniably appear to ſend repreſentatives to the parliament: That all the reaſons alledged to prove, the commons enjoyed this privilege before the year 1264, are ſubject to ſo many difficulties, that they cannot be ſaid to amount to a clear proof. It ſeems, indeed, that a good reaſon cannot be produced, why the hiſtorians ſhould unanimouſly take notice, that on this occaſion there were in the parliament repreſentatives of each county, if the ſame thing had been cuſtomary from the beginning of the monarchy, or at leaſt from the Norman conqueſt. Why did they neglect to make the ſame remark on ſo many former parliaments mentioned by them? It is certain thoſe, who pretend to find in the antient hiſtorians proofs of the people ſending repreſentatives to parliament, are forced to infer them from conſequences which appear not always juſt.

Four knights of each ſhire ſit in parliament. Original of the rights of the commons. Brady Hiſt. vol. ii. p. 619. & vol. i. p. 136-143. Append. N. 210.

The new parliament thus compoſed, being entirely at the devotion of the confederate barons, failed not to approve of the projected form of government, namely, "That the parliament ſhould appoint three wiſe and diſcreet commiſſioners, who ſhould have power to chuſe a council of nine lords, to whom the adminiſtration of the public affairs ſhould be committed. That the king, by the advice of the commiſſioners, might change when he pleaſed, ſome, or all of the nine counſellors. That in caſe the three commiſſioners ſhould not agree in changing or chuſing the counſellors, the majority ſhould decide it. That the reſolutions taken by the nine counſellors ſhould be in force, provided they were approved by any ſix of them. But if it happened, that ſix of them ſhould not agree, the buſineſs in queſtion ſhould be brought to the three commiſſioners, who ſhould determine it as they thought fit. That the king might change or turn out the three commiſſioners, provided it was with the conſent of the community of the barons." Laſtly, "That the nomination of all the public officers ſhould belong to the nine counſellors." This ordinance was to take place till the parliament ſhould unanimouſly agree to annul or alter it. It is pretended, the

The parliament approves of the barons plan. Brady's Appendix, N. 211.

The king and prince are forced to conſent. An. Wavel. M. Weſt.

a Rapin [illegible] to nominate. [illegible] Pat. 48. Hen. 3. they were to be [illegible] or choſen [illegible] by the [illegible] of their reſpective coun-

king

king and prince Edward were compelled to conſent to it, the firſt by being threatned with deprivation, and the other with perpetual impriſonment. So, if they outwardly conſented, it was only with a reſolution to recant the firſt opportunity. Mean time the barons continued to govern the kingdom according to this model, imagining their affairs to be ſo firmly ſettled, as not to be eaſily ſhaken.

The barons refuſe to receive a legate. T. Wikes. M. Weſt. W. Riſh.

The laſt year, Urban IV. appointed for his legate in England cardinal Guido, biſhop of St. Sabine. This legate at his arrival in France, received a letter from the earl of Leiceſter, informing him, it was no proper time for this legateſhip, and that neither the nobles nor the people were diſpoſed to receive him. Though the legate was extremely offended at this refuſal, he durſt not however continue his journey. Indeed, there was no likelihood of his entering the kingdom againſt the conſent of thoſe who governed. Nevertheleſs he proceeded as far as Boulogne, where he ſummoned all the Engliſh biſhops to appear, and give an account of their conduct. The biſhops not thinking fit to obey the ſummons, he denounced againſt them the ſentence of excommunication, from which they appealed to the pope. At length, the affairs of the kingdom being ſettled according to the barons deſire, they thought it neceſſary to give the legate ſome ſatisfaction. To that end, they ſent four biſhops to acquaint him with their reaſons for denying him entrance into the kingdom. Theſe envoys found the legate extremely incenſed againſt the barons. For anſwer, they had orders to return into England, publiſh the ſentence of excommunication againſt the earl of Leiceſter, and put the city of London with all the earl of Gloceſter's lands under an interdict. The biſhops ſending word to England of the orders received from the legate, were met at ſea by people [b], who pretending to be pyrates, ſeized all their papers, and threw them over-board. This proceeding convincing the legate, it would be difficult to cauſe his maſter's authority to be regarded at ſuch a juncture, he returned to Rome, where quickly after he was raiſed to the papal throne under the name of Clement IV.

Some Engliſh lords revolt againſt the government of the barons.

Mean time, the earl of Leiceſter, who was at the head of the government, was under ſome trouble. The queen was making ſome great preparations in France to deliver the king. On the other hand, the inſurrection of ſome lords [c], bordering

[b] Belonging to the Cinque-Ports. ib.

[c] Roger de Mortimer, James de Audley, Roger de Clifford, Roger de Leibur.e, Haimo L'Eſtrange, Hugh de Tur-

ing upon Wales, made him uneaſy. He was apprehenſive that the Welſh would interpoſe and aſſiſt the king's party. It was dangerous to leave the coaſts open to the invaſion of the foreigners, who being in Flanders, waited only for a wind to embark. But it was no leſs dangerous to ſuffer the inſurrection in the marches of Wales to grow to a head. He reſolved therefore to go in perſon againſt the rebels, whilſt he ordered the militia to aſſemble in Kent, and oppoſe the queen's landing. His good fortune equally freed him from both theſe perils. Having gained to his intereſts Lewellyn prince of Wales, he vanquiſhed the rebels, and compelled them to throw down their arms. He was no leſs fortunate with regard to the dreaded invaſion. The contrary winds held ſo long, that the foreign troops on the other ſide the water, were forced to return home upon the approach of winter, without the queen's reaping the leaſt benefit from the great expences ſhe had been at [d]. All this while the king remained in the cuſtody of the earl of Leiceſter, who diſpoſed of him juſt as he pleaſed, making him act againſt his own intereſts, under colour that it was for the good of the public.

M. Weſt. T. Wikes. Chr. Mailros W. Riſh. p. 996.

Leiceſter reduces them. M. Weſtm.

The queen's enterprize comes to nothing. M. Weſt. W. Riſh. p. 997.

The barons, who had taken up arms againſt the king, purely on account of the exorbitant power he would have aſſumed, could not but be jealous of the earl of Leiceſter's, which was no leſs abſolute. The earl of Glouceſter, above all the reſt, was highly diſpleaſed [e]. He looked upon Leiceſter as taking large ſteps towards the throne, under the ſpecious pretence of the public good. For this reaſon he was afraid, in promoting his advancement of furniſhing him with arms to his own, as well as to the deſtruction of others, who were no leſs jealous of his greatneſs. The diſgrace of [Robert de Ferrars] earl of Derby, gave him cauſe to make theſe reflections. This earl, who was no friend to Leiceſter, was ſent to the Tower, not ſo much for a puniſhment of the

Leiceſter ſuſpected of aſpiring to the crown. Glouceſter turns againſt him. M. Weſtm. W. Riſh.

Turbiville, with ſome others, who had made their eſcape from the battle of Lewes. M. Weſt. W. Riſh.

[d] Matthew of Weſtminſter ſays, queen Eleanor had got together a great army, which was commanded by ſo many dukes and earls, as ſeems incredible, and thoſe who knew the ſtrength and number of that army affirmed, that if they had once landed, they would certainly have ſubdued the whole kingdom. But God (ſays our author) in his mercy ordered it otherwiſe. So true an Engliſhman was this author, though he appears highly concerned for the king's intereſt, that he did not think it ſafe for the nation to have had the king reſtored by an army of foreigners. p. 388.

[e] That which moſt offended him was, That the earl of Leiceſter took to his own uſe the profits and revenues of the kingdom, and all the money that was paid for the ranſom of priſoners, which, by agreement, was to have been divided between him and the earl of Glouceſter. W. Riſh. See Tyrel, p. 1039.

crime

crime laid to his charge, as for an example to thoſe who ſhould dare to cenſure the conduct of the principal governor. On the other hand, the earl of Gloceſter fancied he ſaw, in the cold and reſerved behaviour of Leiceſter towards him, a ſecret purpoſe to deſtroy him when an opportunity ſhould offer. He was not only no longer called to the private councils, but alſo had no farther ſhare in the affairs, than what could not be denied to one of the greateſt peers of the realm. Theſe reaſons, and above all, his envy at Leiceſter's greatneſs, led him to countenance the male-contents in the marches of Wales, in order to employ them in oppoſing the ambitious deſigns of him whom he now conſidered as an enemy. The cabals he openly made, convincing Leiceſter, that he ought to omit nothing to deſtroy the deſigns of ſo dangerous an enemy, he cauſed an order to be ſent to all that had lately taken up arms againſt the eſtabliſhment, to retire into Ireland. But they, inſtead of obeying, withdrew upon the lands of the earl of Gloceſter, where they met with protection.

Leiceſter ſeems willing to ſet Edward at liberty. M. Weſtm.

Mean time, the earl of Leiceſter's enemies publiſhed in all places, that his rigorous treatment of the king, his brother, and prince Edward, was but too evident a proof of his pernicious deſigns. As theſe reports were prejudicial to the earl, he thought it neceſſary to efface theſe impreſſions, by ſhewing, he was very far from forming the ambitious projects aſcribed to him by his enemies. To that purpoſe, he ſummoned a parliament, declaring, it was to conſider of means to reſtore prince Edward to liberty. He intended by that to ſhow, that ſince he was willing to releaſe the heir to the crown, it was very unlikely he ſhould have the pernicious views he was charged with. The calling of this parliament was remarkable, for that each county was ordered to ſend, as their repreſentatives, two knights, and each city and borough, as many citizens and burgeſſes [f]. The aſſertors of the antiquity

A parliament called to that end.

To which are ſummoned two knights from each ſhire, and two burgeſſes from each borough.

[f] Theſe writs of ſummons to the ſheriffs of the counties, to return the knights of the ſhires and burgeſſes, are the firſt writs of this kind that are now extant on the Rolls, which made Dr. Brady infer, that they were the firſt that were ever iſſued, and that this parliament in the 49th of Henry III. was the firſt in which knights of ſhires and burgeſſes were ſummoned. But how truly, ſee the works of Mr. Petit, Mr. Tyrel, and Mr. Hody. It may be ſome ſatiſfaction to the curious reader, to ſee the firſt writs of ſummons, as they are extant in Dr. Brady, vol. 1. p. 140.—"Mandatum eſt ſingulis vicecomitibus per Angliam quod venire faciant duos milites de legalioribus & diſcretioribus militibus ſingulorum comitatuum ad regem Londini, in octabis ſancti Hillarii." "[illegible] [illegible] Edwardi, [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Edwardi, primogeniti [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]"

quity of the houſe of commons infer from hence, that ſince the hiſtorians obſerve not that it was a new inſtitution, it was therefore a cuſtomary thing. Others, on the contrary, pretend, if it had been uſual, it would have been needleſs to take notice of this circumſtance, after mention of ſo many parliaments, without the like remark. The reader will chooſe of theſe two conſequences that which to him ſeems moſt natural. Remark on that account.

When the parliament met, the earl of Leiceſter, who diſpoſed in great meaſure of the votes, cauſed an order to be paſſed for the releaſe of prince Edward. But it was clogged with a condition that rendered the favour of no uſe; namely that he ſhould remain with the king his father, and obey him in all things. This condition was a plain ſign, it was only intended to dazzle the eyes of the publick. And indeed, to ordain that Edward ſhould be ſet at liberty, and yet continue with his father, who was himſelf a priſoner, was no better than changing, or at moſt, enlarging his priſon. Purſuant to this order, the prince was taken out of Dover caſtle, where he had been confined ever ſince the battle of Lewes, and delivered to the king, that is, to the earl of Leiceſter. This is what is called giving him his liberty. In the mean time Henry continued in the cuſtody of Leiceſter, who carried him about with him, and took all imaginable care to prevent his priſoners from eſcaping. Edward delivered to the king, who continues ſtill a priſoner. An. Waverl. Rot. Cart. 49. H. 3. M. 5. W. Riſh. p. 396.

The late ſcene ſerved only to increaſe the earl of Gloceſter's ſuſpicions, or rather fully to convince him that Leiceſter was paving his way to the throne. He would not however have broke with him yet, if an opportunity had not offered, where it would have been dangerous to diſſemble. The two eldeſt ſons of the earl of Leiceſter proclaiming a tournament for all the young nobles, the earl of Gloceſter did not think fit to be preſent. He believed it to be only a device to draw him into ſome ſnare. Whether his ſuſpicions had any foundation, or his prejudice made him conſider them as plain proofs, he openly joined with the lords of the Gloceſter declares openly againſt Leiceſter. M. Weſtm.

marshes of Wales, enemies to Leicester, and fortified his castles, as preparing for war. This proceeding furnishing his enemies with a plausible pretence to attack him, a proclamation was issued, declaring the earl and his adherents traitors and enemies to the state. Pursuant to this declaration, Leicester put himself at the head of an army, in order to punish these pretended enemies of the king. With this design he marched towards the Severn, and afterwards came to Hereford, carrying his two prisoners along with him.

Prince Edward escapes out of Leicester's hands. Act. Pub. T. i. p. 810. W. Hem. Mat. West. W. Rish. p. 997.

His great care to secure the king and his son, did not hinder the earl of Glocester from projecting Edward's escape. He perceived as long as his enemy had the king in his power, he would make great advantage thereof. For which reason he thought it expedient to get the prince out of his hands, to oppose the authority of the lawful heir to the crown, to that of the captive king. Probably, he did not judge it so easy to free the king as the prince, or perhaps depended more upon the assistance of Edward than of his father. Be this as it will, he communicated his design to Roger Mortimer, one of the lords marches, who furnished him with means to put it in practice. Mortimer having many friends at Hereford, made Edward a present by a third hand, of a very swift horse, and withal acquainted him with the use he was to make of it, and the design for the recovery of his liberty. To second the project, the prince feigning himself ill, and to want exercise, desired leave to ride some horses. The earl of Leicester, who suspected nothing, granted his request, though with great precaution. Besides his usual guard, he ordered some gentlemen to keep always near him, and to have an eye upon him continually. Edward being come into the fields, immediately breathed two or three horses. Then he called for that lately presented him, and as if he had a mind to use him gently to his rider, walked him at some distance from his guard, being accompanied by the gentlemen who kept close to him. When he was come to a certain place which he had before carefully remarked, and which seemed proper for his design, laying the reins on his horse's neck, and clapping spurs to his sides, he so surprized those that attended him, that he was at a good distance before they were recovered from their astonishment. However, they rid after him till they saw a troop of horse, sent by the earl of Glocester, to favor his escape. Edward being thus freed, joined the earl of Glocester, who received him with great joy and respect. Nevertheless, his view in procuring the prince his liberty, was not to re-establish the arbitrary

He joins the earl of Glocester, who makes him [illegible] to [illegible] the [illegible].

arbitrary power usurped by the king. Accordingly he plainly told Edward, he could not promise his assistance, unless he would oblige himself by oath, to use his utmost endeavours to restore the antient laws, and to banish all foreigners from about the king's person. Edward promised and swore it, in the presence of several barons, and then took the command of the troops raised by the earl of Glocester.

Hemingf. T. Wikes. p. 67.

Though the earl of Leicester was very sensible of what consequence the prince's escape might be, he pretended to be unconcerned at it, and continued as before, to govern in the king's name. He issued under the great seal, all such orders as he judged expedient for the good of the state and his own interest, these two things being generally confounded, by those who hold the reigns of the government.

Leicester hides his concern.

It would be needless to relate here all Leicester's precautions, to support himself in his authority, to inrich his friends, and to advance his creatures. It suffices to say in a word, that he omitted nothing that might turn to his advantage, or contribute to the baffling the designs of his enemies [g]. All this was for his own sake, and with a view to his own interest; but he did one thing very beneficial to the kingdom in taking at length from the popes, the pretence, so long and so successfully used by them, to inrich themselves at the expence of the English. As he found the people had not for the pope the same deference as formerly, he ordered a commission to be drawn up, empowering him to renounce in the king and prince Edmund's name all pretensions to the crown of Sicily. By virtue of this power, he made an authentic renunciation, of which he took care to give the pope notice in a letter from the king.

He does all he can to support himself. Rot. Pat. 49. H. 3. M. 13, 14.

He renounces for prince Edmund the crown of Sicily. Act. Pub. T. i. p. 815.

Mean time the earl, foreseeing how fatal prince Edward's escape might prove to him, caused very severe orders to be published to all the king's subjects to oppose to the utmost of their power, prince Edward, the earl of Glocester, and their adherents, who were all stiled traitors to the king and state. But notwithstanding this, many barons [h], officers and soldiers, came and offered their service to the prince, who, in a short

Edward's forces increase.

[g] He made the king, on the 3[illegible]th of May, write letters to all his [illegible] in Cathe[illegible], and on June [illegible], to the [illegible] of the [illegible], and [illegible] of every county, to [illegible] all people in general, [illegible] the earl of [illegible], [illegible] Edward, the earl of Glocester, [illegible] their confederates. See [illegible] Appendix, [illegible].

[h] The earl of Warren, William de Valence, and Hugh Bigot, who a little before had landed in Pembrokeshire, with a strong party came to the king; and also John Giffard, who came now to the earl of Glocester in military affairs, [illegible] numbers of horse and foot. T. Wikes.

time, saw himself at the head of an army superiour to that of the confederates. Then it was that affairs began to have a new face. The earl of Leicester, who a little before, had all the forces of the kingdom at his disposal, could not prevent Edward from becoming master of Glocester and several other places. He was even forced to give ground to that young prince, who followed him from place to place, and to use all his policy and experience to avoid a battle. As he was a very good general, he took timely care to post himself so, as to be able to retreat, when he should be hard pressed. Mean while, he sent repeated orders to his son Simon, to quit the siege of Pevensey, which detained him in Kent, and come and reinforce him. Simon obeyed, and with his little army began to march with great expedition, to join him. But as he drew near Evesham, where his father was encamped, Edward having notice of his coming, suddenly fell upon him with all his forces, and cut in pieces this little body, which could not resist him [i].

Leicester flies before him. T. Wikes. p. 68. W. Rish. An. Waver.

Edward defeats Simon Montfort,

This victory animating the young prince with fresh ardour, he immediately returned to attack the father, before he had received the news of his son's defeat. He so deceived the vigilance of the old general, by this sudden resolution, that he was very near the enemies, when the earl imagined it was his son coming to his aid. Leicester's surprize was so great, that he could not help showing it. However he put every thing in a good posture of defence, perceiving that a retreat would be still more dangerous than a battle. The fight began about two in the afternoon, and lasted till night, notwithstanding the hasty flight of the Welsh, who deserted the earl at the very first onset. He sustained however, by his courage and conduct, the efforts of Edward, who fought with an astonishing valour, well knowing that the good or ill-fortune of his life depended on the success of that day. At length, after a long resistance on the side of the barons, the earl of Leicester and his son Henry being slain on the spot, their troops were disheartened, and the prince obtained a compleat victory [k]. His joy at this success was the greater, as during

and marches against the earl of Leicester. An. Waver.

Battle of Evesham. W. Rish. T. Wikes. An. Waver.

Leicester slain. Edward gains the victory, and saves his father. W. Heming.

[i] T. Wikes says, the prince, marching all night, came by break of day to Kenelworth, [illegible] Simon and his [illegible] in their beds, and killed and took prisoners [illegible] Simon escaped into the castle.

[k] In this battle were slain, Hugh [illegible] the Justiciary, Peter de Montfort, William de Mandeville, Ralph Basset, John de Beauchamp, Roger de St. John, Walter de Crepinge, William de York, Robert de Tregoz, Thomas de [illegible], Guy de Balliol, Roger de Rouley, &c. The prisoners were, Guy de Montfort, the earl's third

during the heat of the battle, he had the satisfaction to deliver his father from the captivity he had been in ever since the battle of Lewes. The earl of Leicester, who durst not suffer his prisoner out of his sight, had been so cruel, as to expose him to the danger of the battle, in which, he was wounded in the shoulder. Nay, it is said he was going to be killed by a soldier, who knew him not, if an officer had not run to his assistance, upon his crying out to the soldier, "Don't kill me, "I am Henry of Winchester, thy sovereign." Edward, who was not far from the place, being informed of his father's peril, ran thither immediately. He left him to a strong guard, and asking his blessing, returned to the battle, that he might not lose so precious a time.

W. Heming. p. 587.

This battle was fought near Evesham on the 4th of August, 1265, fourteen months after the battle of Lewes, wherein the king lost his liberty. The body of the earl of Leicester being found among the dead, Roger Mortimer was so inhuman as to mangle it in a barbarous manner. At last he cut off the head and sent it to his wife, as a certain token of his being revenged of his enemy. Such was the end of Leicester, who, though a foreigner, found means to make himself the most considerable peer in the kingdom, and was even suspected of aspiring to the throne. But of this however there is no certain proof, the reports that were spread being built only on suspicions, and perhaps, calumnies. But it can't be denied, that he abused his power, and the confidence of his friends and collegues. At least he discovered by his conduct, that he was not so great an enemy to arbitrary power, as he pretended, when placed at the head of the confederates. This is no proof however of his aspiring to the crown. Certainly, this earl had noble qualities. If he was like his father in valour and bravery, at least he resembled him not in cruelty. He always expressed so great a regard for the monks, that after his death, they would have sainted him, at any rate, pretending that many miracles were wrought at his tomb. A modern historian assures us, he saw in an antient manuscript several prayers directed to him as a martyr [1]. This opinion was so spread among the people, that the pope was forced to use all his authority to put a stop to that superstition. However this be, as we are uncertain of the motive

T. Wikes. An. Waver.

Reflections on the earl of Leicester.

The monks look upon him as a martyr.

Tyrrel.

third son, John Fitz John, Humphrey de Bohun, Henry de Hastings, John de Vesci, Nicholas de Segrave, Baldwin Wake, &c. Ann. Waverl.

[1] Tyrrel says, he had seen at the end of a manuscript in the public library at Cambridge, certain prayers directed to him as a saint, with a great many rhyming verses in his praise. Vol. II. p. 1052.

of the earl's actions, we are no leſs ſo, whether he was more worthy of blame than of pity. If in taking up arms againſt the king, his ſovereign and benefactor; he was ſwayed by ambition, one can't ſufficiently deteſt his ingratitude to a prince his brother-in-law, who had loaded him with favours. But if he headed the barons ſolely with a view to the good of the public, and to free the kingdom from manifeſt oppreſſion, doubtleſs there would be ſome, who would not want plauſible reaſons to juſtify his conduct. Mean while, without examining his motive too cloſely, modern writers, for the moſt part, inveigh bitterly againſt him, and the Engliſh Catiline is the beſt name they afford him. But this is no more than what we are to expect from moſt hiſtorians, who generally dedicate their works to kings, queens, prime-miniſters, favourites.

The confederate barons are perſecuted, and their eſtates confiſcated.

The defeat of the confederates entirely changed the face of affairs. Thoſe who a little before were perſecuted, became perſecutors in their turn. They plagued their enemies a thouſand ways, and made them endure many hardſhips. The king, who was naturally revengeful and greedy of money, was extremely impatient to be revenged of thoſe who had offended him, and to ſeize their ſpoils. To that end he called a parliament[m], which wholly conſiſting of his creatures, granted him the confiſcation of the eſtates of the rebels[n]. The city of London was not ſpared. The parliament having decreed that ſhe deſerved to forfeit all her privileges, ſhe was left to the king's mercy, who took away her gates, chains, magiſtrates, and exacted a large ſum of money[o] from the citizens, to reſtore again what he had taken from them. The confederate barons ſeeing themſelves expoſed to a revenge, which probably would have no bounds, were in the greater conſternation, as they ſaw no remedy in their diſtreſs. Simon de Montfort, eldeſt ſon of the earl of Leiceſter, did not queſtion

Rot. Pat. 49. H. 3. m. 8. Dorſo. London ſeverely chaſtiſed. An. Lond. T. Wikes. M. Weſt.

[m] On September 14 at Winchester, where he came from Worceſter. At this parliament were ſummoned the biſhops, abbots, and priors; all the great men of the kingdom; and the wives of the earls, barons, and knights, that were either ſlain, or taken priſoners in the late wars. But the biſhops of Lincoln, London, Worceſter, and Chicheſter, were not ſummoned, becauſe they had been too deeply engaged with the barons. This parliament was afterwards adjourned to Weſtminſter, and then to Weſtminſter. Ann. Waverl.

[n] Whereupon the king appointed two commiſſioners, who, with the ſheriff, were to return the extent of the rebels lands, with the names of them, and of the owners, to himſelf at Winchester by the 13th of October; and they were to appoint two collectors in every hundred, to collect the Michaelmas rents. See Brady's appendix, N. 223.

[o] Twenty thouſand marks. Ann. de Land. None of the money went into the king's exchequer, but was paid to ſome perſons in France, who had ſupplied the queen in money, during her abſence beyond ſea. T. Wikes.

by

but he should be attacked one of the first, considering the king's hatred to his father and his whole family. In this belief, he endeavoured betimes to gain Richard king of the Romans, whom he had in custody in Kenelworth castle, by releasing him without a ransom. This example turned to the advantage of several prisoners of the battle of Lewes, who were likewise set at liberty with the same view by their keepers [p]. An. Waver. T. Wikes.

The king revenges himself on his enemies. T. Wikes. p. 74.

Mean time, the king was revenging himself on those that had taken arms against him, by seizing their estates, which he kept to his own use, or bestowed them on his favorites. Without regarding the consequences, he entirely gave way to his passion, not considering, that people reduced to beggary are not far from despair. He would have done better in imitating the prudent conduct of the earl of Pembroke his first governour, who restored to the vanquished barons their estates, for fear of exposing the kingdom to fresh troubles. But Henry was not of that character. It was not his fault that he lost not the fruits of his son's victory over the barons, by refusing them the least favour. Simon de Montfort, perceiving his case desperate, left the castle of Kenelworth, with a strong garrison, and assembling some remains of his father's army, threw himself into the isle of Axholme in Lincolnshire. As it was easy to fortify that place, he soon put it in condition to serve for refuge to himself and friends. Great numbers resorted to him daily, who at length began to make their enemies uneasy.

1266.

The queen arrives, and is followed by a legate, who excommunicates the rebel barons.

Whilst the court was preparing to hinder the consequences of this new revolt, the queen arrived from France, where she had retired with prince Edmund her son, after the battle of Lewes. She was quickly followed by a legate [q], who in a few days convened a synod, and solemnly excommunicated the late earl of Leicester and all his adherents, as well dead as alive [r]. Clement IV, finding the English tired with supplying money for the conquest of Sicily, thought it convenient to save the honour of the holy see, which had suffered by prince Edmund's renunciation. For that purpose he gave the king notice by his legate, of a bull of Urban his predecessor, revoking the grant to the prince his son. He had kept this

The pope revokes the grant of Sicily. T. Wikes.

p Except those that were committed [illegible] Dover and Kenelworth, [illegible] of Hugh le Despencer [illegible] all those [illegible] Wallingford castle, [illegible] T. Wikes.

q Ottobon. [illegible]

r At the same time, a parliament was held at Northampton in November, [illegible] the earl of Leicester [illegible] barons were [illegible]. Knighton.

 bull

and invests the earl of Anjou with it.

bull private, because he was willing to see the issue of a negotiation with Charles earl of Anjou, to whom he gave this year the investiture of the two Sicilies. Henry, who had quitted his pretensions, only as forced to it by the earl of Leicester during his captivity, could not without regret see himself obliged to renounce his hopes. But he could not help it.

Remark on the affair of Sicily.

Thus ended at length the affair of Sicily, which had been to the popes a fertile source of oppressions upon the people and clergy of England. If it cost the English immense sums, they reaped at least this benefit by it, that it sensibly lessened their good opinion of every thing that flowed from the court of Rome, and taught them to be more upon their guard for the future against her usurpations. This is what we shall have occasion to know more particularly in the following reigns, where we shall see the English much less tractable with regard to the popes. It may be said, further, that this affair was the principal cause of the misfortunes to which Henry was exposed for so many years, and withal, of the solid establishment of the great charter, which from thenceforward was but feebly attacked. Had not Henry been under a necessity of satisfying the avarice of the popes, he would have less oppressed his subjects, and the barons would have wanted the most plausible pretence of their confederacy. It is very strange, so interesting a fact as the pope's grant to prince Edmund should be unknown to the historians of Naples and Sicily. There is but one that just mentions it, and even he is mistaken in the name of the English prince, to whom he says the pope would have given Sicily. Villani, an historian of note, recites the pope's speech to the cardinals, to induce them to approve of his design to invest Charles of Anjou with the two Sicilies. In this harangue, the pontiff represents to them, all the injuries sustained by the church from Manfred, the necessity of destroying the house of Swabia, and the advantages which would accrue to the church, if these kingdoms were given to a prince who was able to undertake her defence. One would think, this was a very natural occasion, to mention the endeavours of his predecessors to dethrone the usurper, by the king of England's assistance, in giving the crown of these kingdoms to one of his sons. But he says not a word of the matter. What therefore can be inferred from this silence of the pope, and the Neapolitan and Sicilian historians, but that the court of Rome never really intended to procure that crown for prince Edmund, and that her sole aim

was

was to drain England of money, under ſo frivolous a pretence?

As Montfort's retreat to the iſle of Axholme, might be attended with ſuch conſequences as required prevention, prince Edward was ſent with an army into thoſe parts. It was not eaſy to diſlodge the male-contents from a place ſo ſtrongly fortified both by nature and art. However, the prince failed not to accompliſh it. After an obſtinate defence, the beſieged were conſtrained to ſurrender, on condition their lives and limbs were ſpared. As to their eſtates, it was agreed they ſhould ſubmit to the judgment of the king of the Romans, and prince Edward. The capitulation being ſigned, Montfort was brought to the king, and found a powerful mediator in the king of the Romans. This prince affirmed, that after the battle of Eveſham, the garriſon of Kenelworth would have murdered him, if Montfort had not hindered it at the peril of his own life. Then he entreated the king to pardon him, in conſideration of his having generouſly releaſed him, without a ranſom. It is ſaid, Henry, moved with Montfort's good offices to the king his brother, was inclined to reſtore him to favour, if the earl of Gloceſter had not boldly oppoſed it. As it was neceſſary to keep fair with Gloceſter, as well as with the king of the Romans, it was reſolved in council, that Montfort ſhould have liberty to depart the kingdom, and the king ſhould grant him a yearly penſion of five hundred marks [a], provided he delivered up Kenelworth-caſtle. But it was not in his power to perform this condition, becauſe the garriſon refuſed to obey him. All the other rebels in Axholme were pardoned, upon their ſwearing, never more to bear arms againſt the king: an oath which was afterwards very ill kept. This affair being over, the kingdom enjoyed ſome tranquillity. Montfort ſeemed ſatisfied with his lot. But ſhortly after, whether out of inconſtancy, or becauſe he had not wherewithal to ſubſiſt, he joined with certain pyrates of the Cinque Ports, who gave him the command of their ſhips, with which he plundered, without diſtinction, all the merchant-men that came in his way. As it plainly appeared, that the inhabitants of the Cinque-Ports commenced theſe pyracies, the king ſent prince Edward to chaſtiſe them. But the prince found means to reduce them to their duty, without uſing force [b], by promiſing

Simon de Montfort is forced to ſurrender. T. Wikes. An. Waver.

The king of the Romans intercedes for him.

Montfort is to deliver up Kenelworth, but cannot. T. Wikes.

He turns pyrate. An. Waver.

Edward reduces the Cinque-Ports to obedience.

[a] Four hundred pounds of ſilver, from the revenues of the earldom of Leiceſter.

[b] The Annals of Waverly ſay, Edward had an engagement with the inhabitants of Winchelſea, wherein great numbers

miſing them a general pardon, and the confirmation of their privileges, for which they renewed their fealty to the king.

Several inſurrections. T. Wikes. Hemingf.

How ſucceſsful ſoever the king's arms might be, peace could not be ſaid to be fully reſtored to the kingdom, ſince Kenelworth-caſtle was ſtill in the hands of the male-contents. There was likewiſe, in the northern counties, a troop of armed men, who obliged the king to ſend againſt them Henry, eldeſt ſon of the king of the Romans. This young prince made ſuch ſpeed that he ſurprized the rebels, and killing the greateſt part, diſperſed the reſt. He could not however ſeize the ring-leaders [u], who joining with other male-contents, and particularly thoſe of Axholme, became maſters of the iſle of Ely in Cambridgeſhire. From thence they made continual inroads into the neighbouring countries, committing great ravages.

The male-contents ſeize the iſle of Ely.

A brave and generous action of Edward. Mat. Weſt. W. Riſh. T. Wikes.

At the ſame time, another rebel Adam [de Gurdun,] taking up arms in Hampſhire, Edward marched into thoſe parts, where he had occaſion to give ſenſible proofs of his courage and generoſity. In a battle with the rebels, Adam, who was ſtrong and valiant, attacked the prince, and obliged him to uſe all his dexterity and valour. The ſingle combat was not interrupted, till Adam, being down on the ground, was forced to yield himſelf priſoner to the prince [w]. This act of bravery in Edward was immediately followed by another of generoſity, which gained him no leſs honour. Without ſuffering himſelf to be tranſported with a deſire of revenge upon a man who had put him in ſo great danger, he generouſly gave him life and liberty. Adam ſenſibly touched, as he ought, with this favour, ſerved him faithfully ever after [x].

The king beſieges Kenelworth. T. Wikes. An. Waverl.

The garriſon of Kenelworth was become ſo formidable, and withal ſo odious, by their outrages committed in the neighbouring country, that the king's council reſolved the caſtle ſhould be inveſted, and the ſiege of Ely deferred. The king was extremely incenſed with the governor of Kenelworth for inſolently cutting off the hand of a herald, ſent to

numbers were ſlain and drowned, and their leader, Henry Pehune, taken, whom prince Edward ordered immediately to be hanged, but was perſuaded by Gilbert de Clare to ſpare his life.

[u] Robert earl of Ferrars was taken at Cheſterfield, and ſent priſoner to Windſor caſtle. T. Wikes.

[w] It ſeems, the prince, when he came up with the rebels between Farnham and Alton, haſtily leaped over a ditch or trench which ſurrounded their camp, and his forces not being able to follow him preſently, he was obliged to fight thus hand to hand with Adam. Ibid.

[x] T. Wikes ſays, he ſent him in chains to Windſor caſtle, there to keep earl Ferrars company.

ſummon

ſummon him to ſurrender. His deſire to puniſh him, made him reſolve to go in perſon to this ſiege, imagining his preſence would ſtrike the greater terror into the beſieged. But they defended themſelves ſo ſtoutly, that after a ſix months ſiege, there was no appearance of forcing them to capitulate. This vigorous reſiſtance cauſed the ſiege to be turned into a blockade. Mean time, the king continued in the town, of which he was maſter, expecting that hunger would compel the garriſon to ſurrender.

During the blockade, Henry called a parliament at Kenelworth [y], to conſider of means to reduce the rebels of Ely, by offering them an eaſy compoſition, or by force, in caſe they rejected the offer. To that end the parliament drew up certain articles, containing the terms on which the king was to grant a general pardon [z]. Theſe terms were very moderate, conſidering the preſent circumſtances. To have poſſeſſion of their eſtates again, ſome were to pay five years value, ſome three, others but one. But whether the male-contents could not depend upon the king's word, or thought theſe conditions too hard, they refuſed to accept them. They even took occaſion from thence to increaſe their outrages, and had the boldneſs to make an excurſion as far as Norwich, from whence they carried away above twenty thouſand pounds ſterling [a].

1267. A parliament at Kenelworth. An. Waverl. Terms offered to the male-contents of Ely; who reject them. M. Weſt. T. Wikes. W. Riſh.

Thoſe of Kenelworth, though cloſely blocked up, and forced to eat their horſes, relying on the aſſiſtance promiſed by Simon de Montfort, held out ſo long a ſiege with an invincible reſolution. At length, when they could withſtand no longer the hunger by which they were preſſed, ſeeing no likelihood of aſſiſtance, they capitulated to deliver up the caſtle, in caſe they were not relieved within forty days. Mean time, they were to be furniſhed with proviſions. The term being expired, they came out of the caſtle ſo pale and meager,

The garriſon of Kenelworth. T. Wikes. M. Weſt.

[y] Auguſt 24. In this parliament the king confirmed the charter of liberties, and demanded the tenths of the revenues of the clergy, for three years.

[z] Theſe articles were called Dictum de Kenelworth, and were to be put in execution by perſons nominated by the king and barons aſſembled in parliament; and if any conteſt aroſe, Othobon the pope's legate, and Henry, ſon to Richard king of the Romans, were to be joined to them. Theſe perſons were, the biſhops of Bath, Worceſter, Exeter, St. David's; Roger de Sumeri, Robert Walefan, Alan de la Souche; the earls of Gloceſter, Clare, Hereford; John de Balol, Philip Baſſet, Warin de Baſſengeburne. This decree or ſtatute of Kenelworth is to be ſeen at large in a manuſcript copy in the Cottonian library, and in Tyrrel, p. 1064, 1065. It was publiſhed in the camp before Kenelworth, Oct. 31.

[a] They did the ſame by the town of Cambridge in their return to Ely, carrying away not only ſeveral Jews, but alſo the richeſt of the townſmen, whom they kept priſoners, till they would ranſom themſelves at exorbitant rates. T. Wikes.

that

that it could not be conceived, that a garrison in so wretched a condition should have the assurance to demand such a capitulation [b].

The earl of Glocester takes measures against the king. W. Rish. M. West.

The taking of Kenelworth, and the hopes of speedily reducing the rebels of Ely, made the king forget his past misfortunes, as well as his son's engagement for him, with the earl of Glocester. Edward himself, though more particularly concerned, by reason of his oath, was more intent upon reducing the male-contents of Ely to the king's obedience, than upon executing his promises. The earl of Glocester observed with extreme regret, that as the king's affairs prospered, the father and son acted with less moderation, and were more ready to stretch the prerogative royal beyond the bounds prescribed by the laws. What he had done for the king and prince, was not so much to enlarge the royal power, as to prevent the earl of Leicester from paving his way to the throne. This was very evident, from the oath he required from prince Edward. The king's conduct, who was returning to his former courses, convincing him that if the male-contents were once reduced, it would be very difficult to confine the sovereign within the bounds of an authority limited by the laws, he thought it necessary to oppose his progress in time. Thus resolved, he retired to his own estate on the borders of Wales, where he made a league with Lewellyn, and some neighbouring barons. After this, he sent word to the male-contents of Ely, that he would endeavour to relieve them.

His absence and preparations could not but give some umbrage to the court. Nevertheless, as he concealed his designs under the pretence of a quarrel with Mortimer, he still left room to doubt of the motives of his armament. Mean time, though policy and good sense required that the king should try to give some satisfaction to so considerable a lord, all his thoughts were engrossed about means to reduce the rebels of Ely; not so much to restore the publick tranquillity, as out of impatience to render himself more absolute than ever. He plainly perceived, he could not attain his ends, whilst a body of rebels were in arms in the midst of his dominions. Wherefore he convened a parliament, to take measures about quelling the male-contents. The earl of Glocester's refusal to be present, made the king uneasy, who sent some lords to

[illegible] parliament; W. Rish.

[b] The king [illegible] strong [illegible] forfeited to him by [illegible] earl of Leicester, upon earl [illegible] his second son, whom he had created some time before earl of Derby, upon the attainder of Robert de Ferrars. T. Wikes, Rymer's Fœd. T. 1. p. 830.

admonish

admonish him to come and take his seat. These lords found the earl very busy in raising an army, and as they shewed their surprise at it, he told them for their satisfaction, that the troops were designed against Mortimer his enemy. Nay, he scrupled not to give a writing under his own seal, whereby he engaged never to bear arms against the king[c]. By this means, he removed all suspicions that were entertained of him. This fear being vanished, the king and parliament thought of nothing but how to besiege Ely, the only thing that still gave them any disturbance. The resolution that was taken, of vigorously pushing the siege, furnishing the king with a plausible pretence to demand an aid, the parliament granted him a very considerable supply[d]. Although the legate had not the same reasons, he pressed the clergy, however, to grant the same aid to the pope. This unseasonable demand extremely provoked the prelates. They not only refused to comply, but committed to writing the reasons of their denial, which were not much for the honour of the court of Rome.

And amuses the king's messengers.

The parliament grants a subsidy. An. Waverl.

The legate demands one of the clergy, but he is denied.

As soon as the parliament broke up, the king took the field at the head of his army. He advanced as far as Cambridge, where he halted to summon the rebels of Ely to return to their duty. But their answer plainly discovered, they were not easily to be frightened. This resolution, and the situation of the isle of Ely, which had formerly very much embarrassed William the Conqueror, abated his warlike ardour, and caused him to wait[e] the coming of his son, who was then at York[f].

The king marches to Cambridge. W. Rish. M. West.

Whilst the king was at Cambridge, the earl of Glocester headed the army, raised on his own lands, and in Wales. He forthwith marched towards London, and with that expedition, that he entered the city before they had time to hinder him, and even before they knew whether he acted for or against the king. It is however probable, the magistrates and principal citizens were not ignorant of his designs. Be this as it will, the earl, leaving every one to make his own

The earl of Glocester becomes master of London, and of the Tower. M. West. An. Waverl. T. Wikes.

c He exhorted the king in the same writing, to remove foreigners from his person, to cause the Oxford provisions to be observed, and to perform his promises to him at Evesham. W. Rish.

d The tenths of the goods of all ecclesiastical and religious persons, for three years; except the templars, hospitallers, and Cistercians. An. Waverl.

e At Cambridge, where he remained; after having in vain endeavoured to reduce the isle, by water, with ships, got together from Ipswich, Dunwich, Yarmouth, and Lin. T. Wikes.

f Employed in reducing John de Vesci, one of the disinherited barons, who had raised some forces in the north, and recovered his castle of Alnwick, and other lands adjacent. T. Wikes.

conjectures, approached the Tower, the cuſtody whereof was, by the king, committed to the legate. He ſummoned him to deliver it up immediately, alledging, it was not a poſt to be truſted in the hands of a foreigner, much leſs an eccleſiaſtick. The legate, ſurprized at this unexpected ſummons, made a ſhow of defending himſelf. But as he wanted proviſions, and the earl had ſtrictly forbid the ſending in any, he was quickly conſtrained to ſurrender. As ſoon as the earl was maſter of the Tower, he was not ſo careful to conceal his deſigns. Beſides, as ſeveral of the male-contents [g] daily joined him, it was viſible, his intention was not to act for the king's intereſt. At length, he pulled off the maſk, and publiſhed a manifeſto, declaring, he had taken up arms to obtain reaſonable terms for the male-contents. Moreover, he complained of the king and prince, affirming, his deſign was to oblige them to the better performance of their promiſes. Surpriſed at this freſh revolt, Henry ſent preſſing orders to his ſon, to join him immediately, being in continual fear of an attack. He did not think himſelf in a condition to come off with honour in an affair of this nature, if forced to a battle. Theſe orders meeting the prince in his return from the north, where he had finiſhed his affairs, obliged him to march with all ſpeed to the king's relief [h]. As ſoon as they were joined, they advanced towards London, and encamped at Stratford, within three miles of the city. The univerſal eſteem for Edward among the nobles and people rather than their affection for the king, cauſed, in a very ſhort ſpace, the army to be conſiderably increaſed [i]. For this reaſon the earl of Gloceſter continued in London, from whence he durſt *not ſtir*, for fear of engaging at a great diſadvantage [k]. He had been in hopes, the whole kingdom would join him, and the king be ſuddenly deſerted by his own troops. But finding he had relied upon uncertain aſſiſtances, and his friends began to forſake him, he timely applied to the king of the Romans, by whoſe interceſſion he obtained much better terms than he had reaſon to expect. He was not only

He publiſhes a manifeſto againſt the king.

Edward joins his father. M. Weſt.

The royal army increaſes.

Gloceſter makes his peace. Act. Pub. T. i. p. 841. T. Wikes. p. 81.

[g] They were called then, The Diſinherited.

[h] Bringing along with him thirty thouſand men from Scotland, and the north of England. M. Weſt.

[i] The earls of Boulogne and St. Paul brought him two hundred knights, with their retinue; and an army of Gaſcons came up the river with ſeveral large ſhips, well fitted and armed. Ib.

[k] In the mean time the earl's party in London went and plundered Kent and Surry, and brought great ſtore of proviſions into the city; and the rabble ſpoiled the king's palace at Weſtminſter, breaking the very windows and doors; and either killed, or drowned in the Thames, all thoſe they ſuſpected. T. Wikes.

for-

forgiven, upon laying down his arms, but had the ſatisfaction alſo to get the city of London included in his pardon, which otherwiſe would doubtleſs have been ſeverely puniſhed. He would fain have procured the ſame favour for the rebels of Ely, but the king and prince being inexorable, he was forced to abandon their intereſts.

This affair being ended more happily than there was room to expect, Edward approached the iſle of Ely. As the male-contents had no proſpect of relief, they choſe to ſurrender, before they were reduced to extremity. The only condition granted them, was the ſaving their lives and limbs. Thus were extinguiſhed the troubles that had for five years diſturbed the kingdom.

Ely rebels ſurrender. T. Wikes.

The end of the barons wars.

Henry, having an army ready, reſolved to correct the inſolence of the prince of Wales, who, during the late troubles, had aſſiſted the rebels. To this end he advanced as far as Montgomery, where Lewellyn ſent ambaſſadors to ſue for peace. His offer to pay the king thirty-two thouſand marks, and do homage for his principality, was an inducement to hearken to his propoſals. But, beſides what he had offered, he was obliged to deliver up certain caſtles, convenient for the king.

Treaty of peace with Wales. W. Riſh. Act. Pub. T. i. p. 840.

The peace of the kingdom being thus reſtored, the king ſummoned a parliament, where Ottobon the legate was preſent. He informed the aſſembly that the pope was reſolved to publiſh a cruſade in all the chriſtian ſtates, and took occaſion from thence to exhort the Engliſh to contribute their money and perſons towards the expedition, the ſole end whereof, was the glory of God, and the good of the church. The tranquillity England began to enjoy, cauſed great numbers to engage in the undertaking, eſpecially, when they ſaw prince Edward, and Henry ſon of the king of the Romans, receive the croſs at the hands of the legate. The earls of Warwick and Pembroke, and above a hundred and twenty knights, followed the example of the two princes, beſides an infinite multitude of perſons of inferior quality. The legate having no farther buſineſs in England, returned to Rome, and the king of the Romans took his third journey to Germany.

1268. Edward takes the croſs to go to the Holy Land. W. Riſh.

Whilſt the croiſes were preparing for their voyage, the king aſſembled a parliament at Marlborough, where a body of ſtatutes were enacted, which make a conſiderable figure among the laws of England [1].

Statutes of Marlborough. W. Riſh.

Before

[1] The ſtatutes of Marlebridge, now Marlborough, were made November 18. An. 52. H. 3. 1267. In the preface they are ſaid to be made by the advice

Death of Clement IV. M. Weſt. Battle of Celano. M. Weſt. W. Riſh.

Before we proceed to the events of the next year, it will be neceſſary to take notice of the death of pope Clement IV. which was followed by a vacancy of three years. It was alſo this year that the famous battle near the lake of Celano was fought, between Charles of Anjou, the new king of Sicily, and Conradin ſon of the emperor Conrade. Young Conradin having the misfortune to be vanquiſhed and taken priſoner, Charles was ſo cruel as to cauſe his head to be ſtruck off [m].

Edward engages to accompany the king of France to the Holy Land. Act. Pub. T. i. p. 858.

The cruſade was not only publiſhed in England, but alſo in all the chriſtian ſtates, and particularly in France. St. Lewis was to command: The ill ſucceſs of his expedition into Egypt, not cooling his zeal, he had never ceaſed, ſince his return, to think of means to carry war once more into the country of the infidels. Prince Edward's taking the croſs, put Lewis in hopes of better ſucceſs, if he could perſuade him to join him. To that purpoſe, he deſired him to come to Paris, where he communicated to him his project. Edward wiſhed for nothing more than to join forces with ſo powerful a prince, and to command under him. But he intimated to him, that he could not be ready ſoon enough, for want of money for the voyage. Lewis, glad to find there was no other objection, lent him thirty thouſand marks, for which Edward mortgaged to him the revenues of Bourdeaux for ſeven years. This agreement being made, Edward returned into England. The king his father had now aſſembled a parliament, which granted him a twentieth of the moveables of the kingdom, part whereof was to be employed towards the charges of the prince's expedition.

Lewis lends him money. W. Riſh.

Subſidy granted the king. T. Wikes.

Second marriage of the king of the Romans. T. Wikes.

Before Edward was ready for his departure, the king of the Romans arrived with a new wife, he had married in Germany not ſo much for her riches as her beauty [n].

1269. The body of St. Edward removed to the new church.

A little before the departure of the croiſes, Henry cauſed the relicks of Edward the Confeſſor, for which he had a particular veneration, to be removed. This ceremony, to which all the conſiderable men of the kingdom were invited, was performed with great pomp. The ſhrine of the ſaint,

advice and conſent of the moſt diſcreet men of the realm, as well of the higher as of the lower eſtate; which laſt Tyrrel underſtands of the knights of counties, or knights of the ſhire and burgeſſes. Their buſineſs chiefly lies in reforming the abuſes crept in during the late troubles, and are divided into twenty-nine chapters, as the reader may ſee at large in our law-books.

[n] Conradin had eſcaped in diſguiſe, but was betrayed to the conqueror, who upon his going to the Holy Land, ordered him to be beheaded in the market-place of Naples.

[n] Her name was Beatrix, daughter of Theodoric de Falkenſtein, a German of great reputation. They were married June 10. T. Wikes.

adorned with precious ſtones, was carried on the ſhoulders of the king himſelf, and his brother the king of the Romans, with the princes, and chief lords, and placed in the new church of Weſtminſter, which was juſt finiſhed, and rendered the moſt ſtately church then in Europe [o]. M. Weſt. W. Riſh. T. Wikes. An. Waverl.

The calm England enjoyed for ſome time, was like to be diſturbed by the ſuſpicions the earl of Gloceſter entertained of prince Edward: the earl not believing the prince was heartily reconciled to him, kept from court, and always found ſome excuſe to be abſent from the parliaments. This behaviour made the king very uneaſy, who was afraid the earl had ſtill a deſign to break the peace. But the king of the Romans freed him from his fears, by procuring a perfect reconciliation between the two enemies [p]. 1270. The king of the Romans reconciles Edward to the earl of Gloceſter. T. Wikes. p. 89, 90, &c.

Whilſt theſe things paſſed in England, the king of France altered his deſign. Inſtead of going directly to the Holy Land, according to his firſt intention, he ſailed to Africa, at the inſtance of Charles king of Sicily, his brother, who was at variance with the king of Tunis. He expected the African prince to pay him the ſame tribute as his predeceſſors had paid to the emperor, with all the arrears that were due. To ſupport theſe pretenſions, Lewis landed his army in Africa, and was preparing to beſiege Tunis: but the Mooriſh king choſe rather to promiſe what was demanded than hazard the loſs of his dominions. St. Lewis lands in Africa to beſiege Tunis. T. Wikes. Vignier.

Lewis was ſailed for Africa, when Edward departed from Portſmouth to take the princeſs his ſpouſe at Bourdeaux, from whence they went and embarked at Aigues Mortes, where their fleet waited for them. They joined the king of France before Tunis, where he was ſtaying for the performance of the treaty with the Moors. How urgent ſoever Edward was to perſuade him to continue his voyage to Edward goes to join the king of France, and leaves him in Africa. M. Weſtm. W. Riſh. T. Wikes. Hemingf. C. Mailros.

[o] The ſhrine was of gold, and no doubt remained there till the 27th of Henry VIII. when all ſuch ſhrines and relics were removed as ſuperſtitious. This tranſlation was performed on the 13th of October, as marked in the Kalendar. T. Wikes.

[p] A very remarkable accident happened this year, which, though it is of a private nature, may be worth mentioning. A ſuit had been long depending between John earl of Warren and Surrey, and Alan lord Zouche, concerning a certain manor; which coming to a trial before the king's juſtices in Weſtminſter-hall, there happened to paſs very reproachful language between the earl and the ſaid baron; and they at laſt came to blows, inſomuch that the earl and his followers, being privately armed, ſet upon the lord Zouche and his eldeſt ſon in open court, and wounded them both. After which baſe action, he fled to his caſtle of Rygate in Surrey, and ſtood upon his defence, but prince Edward was ſent with ſome forces to reduce him to obedience: and at laſt he was fined five thouſand pounds to the king, and two thouſand to the lord Zouche and his ſon. T. Wikes, p. 91. Ann. Waverl. p. 225. M. Weſtm.

Palestine, he could not prevail with him to stir before he had received full satisfaction from the king of Tunis. As Edward was not concerned in that affair, he resolved to pass the winter in Sicily, with design to proceed for the Holy Land in the beginning of the spring. He had scarce left the coasts of Africa, when the pestilence broke out in the camp of the French, and raged in such a manner, that it not only swept away the soldiers, but also the principal officers: the king himself being at last seized with it, resigned his breath in the arms of his eldest son Philip, who thought only of returning to France.

Act. Publ. tom. i. p. 867. Pestilence among the French. Lewis dies of it. W. Rish.

Though by Lewis's death Edward lost all hopes of making any great progress in Palestine, he continued his voyage, and arrived there, according to his vow [q]. Mean time, Philip's return to France giving him some cause to fear for Guienne, he resolved to send thither his cousin Henry, son of the king of the Romans, to watch the motions of the French. The young prince posting to Bourdeaux, passed through Viterbo, a city in the pope's dominions, where he had a mind to make some stay, which cost him his life. Guido de Montfort, son to the late earl of Leicester, being then at that place, and seeing the prince go into a church, followed him and murdered him before the high-altar, in revenge of his father's death, who was slain in the battle of Evesham. But the murderer's pretence to vindicate this infamous action could not be more unjust, since neither this prince, nor his father the king of the Romans, were present at that battle, being then both under confinement [r].

Henry, son of the king of the Romans, murdered by Guido de Montfort. T. Wikes. Act. Publ. tom. i. p. 870. W. Rish. An. Waverl. Hemingf.

1271. Edward's progress in the Holy Land was not great. However with the few troops he had, he let the Saracens see what they were to expect from him, in case he came to be assisted with more forces. His valour, fame, and the reputation of king Richard his great-uncle, who had performed such famous exploits in that country, so terrified the infidels, that, to free themselves from their fears, they sent an assassin to dispatch him. The villain, under colour of settling a correspondence between Edward and the governor of Joppa, who

Edward comes to Palestine. Hemingf.

q He was so bent upon going, that when he was [illegible] he struck his breast and swore, "By the blood of God, though all men forsake me, yet will I go to Acon, if I am attended only by [illegible] my "groom." W. Rish.

r This murder was committed March [illegible] by his cousin-germans, Simon and Guido, [illegible] to have a hand in [illegible] Rymer's Fœd. tom. i. p. [illegible] Henry's body was brought over the next year into England, and buried in the monastery of Hayles in Gloucestershire, founded by king Richard his father; his heart was deposited in Westminster Abbey, in a golden cup, near St. Edward's shrine. T. Wikes.

feigned

feigned a desire to turn Christian, found means to be admitted into the prince's presence, and frequently to discourse with him. At last, one day as he was alone in his chamber [s], he was just going to stab him with a dagger in the belly, if Edward had not warded off the blow with his arm, where he received a dangerous wound. The assassin, enraged at this disappointment, was about to repeat his blow with greater violence, but Edward gave him such a kick on the breast that he beat him down backward, and leaping upon him at the same time, wrested the dagger out of his hand and killed him immediately. The prince's wound was much more dangerous than it appeared to be, by reason the dagger was poisoned. The wound beginning to gangrene, made all despair of a cure, but happily for him there was then in the army a skilful surgeon, who delivered him from the danger. Some affirm, he owed his life to the tender love of Eleonora his spouse, who ventured to suck the venom out of the wound: but this circumstance is mentioned by no author of that time [t]. This princess was brought to bed at Acres of a daughter called Joan d'Acres from the place of her birth, according to the custom of those days.

He is wounded by an assassin, whom he kills. W. Rish. T. Wikes. M. Westm. Hemingf.

Birth of Joan de Acres. W. Rish.

Whilst Edward was in Palestine, Theobald, archdeacon of Liege, who attended him thither, received the news of his election to the papal throne. He set out immediately for Rome, where he assumed the name of Gregory X [u].

Gregory X. Act. Publ. tom. i. p. 878. W. Rish. T. Wikes.

1272.

Edward's army daily diminished, either by sickness or battles with the Saracens, without any hopes of supplies from France or elsewhere. This consideration obliged him, though with great reluctance, to propose to the sultan a truce, which after a short negociation, was concluded for ten years, ten months, and ten days, both parties being to keep what they possessed. Nothing detaining Edward any longer in Palestine, he embarked his troops, and set sail for England [w].

Edward makes a ten years truce with the sultan.

During his absence, the king his father enjoyed a perfect tranquillity, which was disturbed only by the death of the king of the Romans, his brother. It is said this prince's

Death of the king of the Romans. T. Wikes. W. Rish.

[s] He came to him with letters, and pretending to have some great secret, every person was put out of the room. W. Rish. T. Wikes.

[t] Tyrrel observes, that Camden, in his Britannia (in Mirabilia), is the first that mentions it, and from him Stoll has transcribed it in his Chronicle. Both of them quote Rodericus Toletanus; but that archbishop, as he lays it, finished his history in the year 1243, twenty years before this accident happened.

[u] This year a parliament was held at London, in January, wherein the disinherited were restored to their estates. Ann. Waverl.

[w] During Edward's absence, about August 1, had John his eldest son, a child of great hopes, and not his heir, he was buried in the [illegible] church of Westminster, where his tomb is still to be seen. T. Wikes.

grief for the tragical death of his ſon threw him into a fit of ſickneſs, which laid him in his grave. Edmund, his other ſon, ſucceeded him as earl of Cornwal, with which title he was inveſted by the king his uncle [x].

Sedition at Norwich. W. Riſh. M. Weſtm. T. Wikes.

Shortly after, there was a ſedition at Norwich, occaſioned by a quarrel between the citizens and monks, in which the cathedral and monaſtery adjoining were reduced to aſhes by the townſmen. Henry, reſolving to puniſh this riot, went in perſon to Norwich, where he cauſed the offenders to be hanged [y]. In returning to London, he was ſeized at St. Edmundſbury with a languiſhing diſtemper, which not ſeeming dangerous, hindered him not from continuing his journey to London. But his ſickneſs encreaſing after his arrival, he died in a few days, aged ſixty-ſix years, whereof he had reigned fifty-ſix, and twenty days. He ordered that his body ſhould be interred near the ſhrine of Edward the Confeſſor, in the abbey church of Weſtminſter, where his tomb (with his ſtatue in braſs) is ſtill to be ſeen [z].

Death of Henry III. M. Weſm.

Character of him.

This prince's character ſo viſibly appears in all the circumſtances of his life, that it will be needleſs to draw it more fully. His narrow genius, his eaſineſs to be governed by proud and ſelf-intereſted counſellors, his inconſtant and capricious temper, and the notions of arbitrary power inſtilled into him from his youth, were the real cauſes of the troubles which diſturbed his reign. Too weak when there was occaſion for ſteddineſs, and too haughty when it was neceſſary to ſtoop and accommodate himſelf to the times, he ſeemed to ſtudy inceſſantly to act contrary to his own intereſts. Nothing can be ſaid of his courage, ſince he never gave any ſenſible proof of it. But he may juſtly be commended for his continence, and averſion to every thing that looked like cruelty, being always ſatisfied with puniſhing the rebels in their purſes, when he might have ſpilt their blood on the ſcaffold. He was exceſſively greedy of money, but it was to ſquander it away ſo idly, that the vaſt ſums he levied upon

[x] Richard king of the Romans died at Berkhamſted, on the 2d of April: his body was buried at the abbey of Hayles, but his heart at the priory of Rowly, founded by him, in the ſubmits of Oxford, for the Ciſtercian monks. W. Riſh. M. Weſm. T. Wikes.

[y] They were drawn at horſe-tails to the gallows, and there hanged, and their bodies burnt. W. Rishanger. The citizens of Norwich were fined three thouſand marks of ſilver, for rebuilding the church and monaſtery; and were beſides forced to pay a gold cup, weighing ten pounds of gold, and the value of one hundred pounds of ſilver, in the room of one of the ſame weight belonging to the monaſtery, that was melted in the flames. Ibid.

[z] He died on the 16th of November 1272. In the year 1291, his ſon king Edward adorned his tomb with ſeveral curious ſtones brought from beyond ſea. Walſing.

his

his subjects made him never the richer. How pressing soever his necessities were, he could not help lavishing his money upon his favourites, not considering the great difficulty to obtain aids from his parliament. This profuseness, and the immense sums fruitlessly employed in the unfortunate affair of Sicily, were the principal causes of the mortifications and disgraces he was exposed to during the whole course of his life [a].

Four things especially render this reign remarkable: the first is, the readiness wherewith the barons in league against king John returned to the obedience of their young sovereign, the moment they thought their privileges out of danger. The second is, the patience of the barons for above forty years, though the little regard Henry showed them, and the continual breaches of his oaths, gave them but too much cause to complain. In the third place it is to be observed, that to the troubles which distracted this reign, the English are indebted for the liberties and privileges they still enjoy at this day. If the barons of those days had been more passive, it may be very justly supposed that the two charters of king John would have been buried in eternal oblivion. If their revolt proved in the end fatal to themselves, at least it was beneficial to their posterity, since the kings, successors of Henry, dreading to expose themselves to the like dangers, durst not any more venture to revoke these charters, which are the basis and foundation of the liberty of the English. Accordingly they had time to be so strongly established by degrees, that there was no annulling them. Let the earl of Leicester be exclaimed against never so much, let him be called impious and wicked for daring to take up arms against his sovereign, at least it must be confessed, that his ambition has produced happy effects for the whole English nation. The fourth remarkable thing is, the tyranny of the Roman pontiffs, who, abusing their power, treated the clergy of England with inconceivable rigour. I should add here an article of no less importance, I mean the origin of the house of Commons, if the thing were not liable to so many disputes.

Four things to be remarked in the reign of Henry III.

Of nine children Henry III. had by Eleonora of Provence his wife, only two sons and two daughters survived him, the rest dying in their infancy [b]. Edward his eldest son was his

His issue.

[a] W. Rishanger says, he was of a middle [illegible], strong and well [illegible]; and that one of his eyes was half-closed.

[b] Of his four youngest sons, three, viz. Richard, John, and Henry, were buried at Westminster; and the fourth, named William, in the New [illegible], near Fleet-street. Catharine, his third daughter, which was born [illegible] 20, 1253, died at five years of age, and [illegible] buried in Westminster [illegible].

ſucceſſor. Edmund his ſecond ſon, after a vain expectation of the crown of the two Sicilies which the pope had flattered him with, was earl of Lancaſter, Leiceſter, and Derby, lord of Monmouth, and high ſteward of England. Margaret, his eldeſt daughter, was married at nine years of age to Alexander III. king of Scotland, to whom ſhe left but one daughter of her own name, wife of Eric king of Norway. By this marriage came a princeſs of the ſame name, of whom I ſhall have occaſion to ſpeak in the following reign. Beatrix, ſecond daughter to Henry, was married to John de Dreux, duke of Bretagne [c].

[c] In this reign, the following remarkable things, not taken notice of by Rapin, were tranſacted: trial by fire and water ordeal, though never taken away by act of parliament, was by king Henry's command, laid aſide by the judges, and ſoon after grew quite out of uſe. In 1233, king Henry built a houſe in London, near the Old Temple (where the Rolls now ſtand) for the converted Jews; and an hoſpital at Oxford, near the bridge. Mat. Paris. p. 393. Weights and meaſures were thus fixed: an Engliſh penny, called a Sterling, round and without clipping, was to weigh thirty-two wheat-corns taken out of the midſt of the ear; and twenty pennies were to make an ounce, twelve ounces one pound, and eight pounds a gallon of wine, and eight gallons of wine a London buſhel, which is the eighth part of a quarter.

HAVING largely treated of Scutage in the laſt coin-note, I proceed now to Tallage. There were two ſorts of tallage, one paid to the king, the other to a ſubordinate lord. The tallage rendered to the king, was raiſed upon his demeſnes, eſcheats, and wardſhips, and upon the burghs and towns of the realm. In elder times it was called Donum and Aſſiſa. Donum was a general word, and uſed with great latitude. When it was paid out of knights fees, it was Scutage; when by towns and burghs, it was Tallage; when out of lands which were not of military tenure, it ſignified Hidage: ſo that Donum ſignified in general, according as it was applied, either Aid, Scutage, or Tallage. In theſe ſenſes the word Donum ſeems to have been uſed in the reign of king Stephen, and in the beginning of Henry II. In the ſucceeding times, Donum came to be uſed chiefly for Tallage. Tallage was alſo called Aſſiſa. The word Aſſiſa ſignified, among other things, an Aſſeſſment. It is uſed for the common charge or aſſeſſment made upon a county for defaults, and other amercements. The county of Berks was charged with thirty one ſhillings and three pence "de commune aſſiſa" of that county, for defaults. Mag. Rot. 19 Hen. I. Thoſe manors or lands were properly talliable to the king, which he had in his own hands. Hence tallages are commonly ſtyled "tallagia maneriorum "et terrarum regis quæ tunc erant in manu ejus, tallagia domini-"corum," and the like. Under the terms "quæ erant in manu "ejus," were comprehended the king's eſcheats and wardſhips; for the king held them "tanquam in dominico." And in fact the king's eſcheats and wardſhips were wont to be tallaged, when tallage was aſſeſſed upon his demeſnes. Moreover, ſome ſerjeanties of an ignoble and inferior kind, and ſuch as had no military ſervice annexed

to

to them, were wont to be tallaged with the king's demeſnes: but it is to be underſtood, that the king's ſerjeanties were not to be tallaged without a ſpecial precept. If men were not the king's immediate tenants, they were tallageable, not to the king, but to their immediate lord. The tallages aſſeſſed upon the king's demeſnes were more heavy than the tallages upon other perſons living in the counties at large: for which reaſon men ſometimes petitioned, that they might be tallaged with the community of the county, and not with the tenants in ancient demeſne. When a town was tallaged, the tallage was raiſed upon the men of the town, and they were properly the men of the town, who belonged to the guild, and made merchandize in the town. If the king granted away a demeſne manor or town (that was wont to be tallaged) "una cum tallagiis hominum," then ſuch manor or town became tallageable to the grantee: however, when the king demiſed any ſuch manor, or granted a temporary eſtate in it, he uſed to reſerve the tallages to himſelf and his heirs. There was alſo in ancient time a duty paid to the king under the name of Caruage; to wit, ſo much for each carue of land, holden by baſe or inferior tenure. To the head of tallage (or elſe to that of aid) may be referred the None, Diſme, Quinzime, Vintiſme, Trentiſme; which were ſo called from the quantity or proportion of the payment, as their names import. The moſt ancient inſtance of a tallage called by the name of Decima, is in the ſixth of Richard I. Theſe quotas, and ſome others, were partly ſeignurial, and partly mixed. The form of taxing and levying the nones, etc. with the oaths taken by the taxors, and the commiſſions of the collectors, are to be ſeen upon the Revenue Rolls. In theſe caſes the goods of the chief taxors were to be taxed by the treaſurer and barons of the exchequer; and the robes and jocalia of the citizens and burgeſſes, were not uſually taxed with their other goods and moveables. In the moſt ancient times, the tallages were uſually impoſed and ſet by the king's juſticiers, in their reſpective iters: afterwards, by commiſſioners, appointed by the king for that purpoſe. Anciently, after the tallages had been aſſeſſed, they were uſually collected by the ſheriffs of the ſeveral counties. But if a town happened to be let at farm to a particular perſon, not being ſheriff, then the tallage was commonly collected and anſwered for by the farmer or provoſt thereof. Tallage was wont to be aſſeſſed upon the men of the demeſnes and towns, ſometimes in groſs, "in communi;" ſometimes by poll, "per "capita," or "per ſingulos;" at other times, partly one of theſe ways, and partly the other. If the aſſeſſors of tallage over-rated any man, he uſed to obtain a writ formed upon his caſe, directed to the barons of the exchequer, who by virtue thereof, would relieve him according to equity. Sometimes men were admitted to compound for the tallage impoſed on them, by paying a fine to the king for the ſame. Tallage was not demandable from lands holden in frankalmoigne. Neither was tallage chargeable upon lands holden by knight's ſervice. Moreover, the king, if he pleaſed, granted to particular perſons a freedom from tallage: for example,

ample, the Templars and Hoſpitallers of Jeruſalem, by a very ancient grant from the crown, had the privilege of having each one man (called Liber Hoſpes) in every burgh in England, who was to be quit of common aſſiſes or tallages, aſſeſſed within the burgh. As the king had tallage of his demeſne men, ſo ſome ſubordinate or private lords had tallage of theirs. Moſt of theſe latter Tallages were alſo ſeigneurial. It appears by ancient records, that many of the lands which were talliable to private lords, were ſuch as at one time or other moved from the king, and were wont to be tallaged to him, whilſt they were veſted in the crown: as when the king granted to a ſubject a demeſne manor or town, together with the homages, aids, tallages, and other profits, to hold to the grantee and his heirs. In ſuch caſe, the grantee had power to tallage the men of ſuch manor or town to his own uſe, when the king tallaged his demeſnes and manors throughout England; but not otherwiſe, nor oftner, or in other manner than the king raiſed tallage in his own demeſnes. For the tenants were not by the king's grant tallageable to the private lord, in any other manner than they would have been to the king, if the ſeigneury had ſtill reſted in the crown. And when ſuch a private lord went to raiſe tallage, he uſed to have a writ ("de habendo rationabili tallagio") to the ſheriff of the county, to raiſe the ſame. As the king had divers ways of raiſing money upon his demeſne men, ſo inferior lords dealt with their demeſne men after the like manner. But though the tallages, etc. paid to the king, do readily appear upon the Revenue Rolls and other records, thoſe formerly rendered to inferior lords by their demeſne men, are not ſo eaſily diſcovered at this day, having in great meaſure paſſed under privacy and ſilence, except that they are ſometimes diſcloſed in pleas, moved between ſuch lords and their men; and likewiſe in the Revenue Rolls, when the ſeigneuries of thoſe lords happened to be in the king's hands, by eſcheat, vacancy, or wardſhip. Private lords ſeem to have treated their talliable men with greater ſeverity than the king treated his: for ſometimes the farmers have choſen to be talliable to the king, rather than to ſuch lords; and accordingly have come to the king's court, and alledged they were talliable to the king. Theſe are ſome of the notices relating to tallage, which the ancient records furniſh us withal. In the ſucceeding times, a different law and uſage were by degrees introduced. There is a piece publiſhed by Tothill and Kelham, amongſt the old ſtatutes, under the title Statutum de Tallagio non concedendo, conſiſting of four clauſes: it begins "Nullum tallagium," and ends "ſint in perpetuum." Sir Edward Coke refers this ſtatute (if it be one) to the 34 Edw. I. But Mr. Madox ſays, he could not find this pretended ſtatute in any roll or record. See Pryn's Hiſt. of Papal Uſurpation, temp. Ed. I. p. 742—747. Tallage was paid in Normandy, in like manner as in England. — I proceed to the revenue ariſing by Cuſtoms. The cuſtom paid to the king, was anciently wont to be called in Latin, Conſuetudo and Cuſtuma. Conſuetudo was uſed in an extenſive ſenſe, for payments or duties of many kinds. In the 9 Hen. III. Rot. 6. an accompt was rendered to the crown of

of certain yearly duties, "conſuetudines annuæ," which accrued in the manor of Linlee, and were turned into money. In the accompt of the iſſues of the biſhopric of Wincheſter, during a voidance, there was anſwered to the crown the ſum of ſeventeen pounds, ſeven ſhillings, eight pence half-penny, ariſing out of a certain payment or duty ("de quadam conſuetudine") called Kirkethet, by ſale of three thouſand eighty-ſeven hens. Mag. Rot. 12 Ed. I. In ſhort, Conſuetudines ſignified Regal, Epiſcopal, and other Eccleſiaſtical Dues or Payments, and Exactions of many kinds. There was a cuſtom or duty paid to the king for wines, called Priſa, and Recta Priſa. The proportion was one dolium before the maſt, and another behind the maſt. It is true, Priſa was a word of equivocal meaning, properly ſignifying Capture; and was ſometimes uſed for captures taken in war; ſometimes for purveyance, impoſt, or captures of other kinds. In ancient times, the duty for wines, called Priſa, was received, for the king's uſe, by divers officers. In the reigns of Richard I. John, and part of Henry III's time, it was uſually accounted for at the exchequer, by the chamberlain of the king's wines, under the title of Camberlangaria, or Cameraria Londoniæ. From thence to Edw. II. it was accounted for by the officers ſtyled Captores and Emptores vinorum regis. Under Ed. III. and afterwards, by the king's Pincerna or Butler, under the title of Pincernaria regis. Beſides the cuſtoms paid the king for wines, there were other duties payable to him by merchants or traders, for their merchandizes imported or exported, and for commodities conveyed along the river Thames. The duties paid by merchants were anciently called Diſme, Quinzime, etc. The duty paid for trafficking along the Thames, at leaſt one ſort of that duty, was called Avalagium Thamiſiæ. In the fifth of John, Hugh Oiſel profered one thouſand marks, to have the quinzime ariſing from merchandizes throughout England, from year to year. In the ſixth of king John, William de Wroteham, and others, accompted for the quinzime of merchants at the ſeveral ports of England, except Len: the quinzime of London was eight hundred thirty-ſix pounds, etc. of Boſton, ſeven hundred eighty pounds, etc. of Len, ſix hundred fifty-one pounds, etc. of Southampton, ſeven hundred and twelve pounds, etc. In 41 Hen. III. William de Lake was in arrear ſix marks and a half, for the avalage of the Thames. This avalage was ſort of toll. To theſe may be added the duties paid to the king's chamberlain of London for his uſe, the duties ariſing at Billingſgate, and by trouage, etc. In the third of Rich. I. Stephen de Blund accompted for the ferm of the troue and ſextury of London. In 19 Edw. II. the keepers of the trouage appeared by the rolls to be free from acompting for the ſame, though by what grant, or other means, is not known. In 9 Hen. III. Andrew Buckerel and John Trevers had Ripa Reginæ, or Queen-hith, in ferm, at forty pounds per annum. In proceſs of time, the king's cuſtoms came to be moſt generally called Cuſtuma. In 26 Edw. I. there was payable to the king for cuſtoms, for every ſack of wool exported from Len, half a mark; for every three hundred pelles lanutæ, half a mark; and for every

laſt

laſt of leather, one mark. A writ was iſſued to the ſheriffs of ten counties, to make proclamation, that all merchants ſhould carry merchandizes of that ſort to the ſaid port, when they exported them. The cuſtomers of Len were Hugh de Meſſingham and Ranulph le Kue. In like manner, cuſtomers were appointed for ſeveral other ports, as Newcaſtle, Kingſton upon Hull, Briſtol, London, etc. If merchants defrauded the king of his cuſtoms, they forfeited their goods uncuſtomed.—The ſeventh branch of the royal revenue, was the caſual revenue, which accrued to the king ſeveral ways. Of this ſort were Treaſure-trove, Waif, Wreck, Chattels of Felons and Fugitives, of Out-laws, Uſurers, Recreants, Perſons executed, etc. The king had, in ſome caſes, the lands of perſons condemned, for a year and a day after their condemnation, which was uſually called the Year, Day, and Waſte. In relation to the chattels of felons, if the party died after the felonious fact, and before conviction, his chattels were not by the common law forfeited to the king. Upon peruſal of the ancient Revenue Rolls, it appears that in thoſe times many branches of the king's fixed revenue were charged with alms, that is, ſome portion was generally allowed for pious uſes: this was called Eleemoſyna conſtituta, ſettled Alms. To which may be added the Decimæ conſtitutæ. Theſe the accomptant conſtantly paid out of the revenue within his receipt, and had an allowance thereof upon his accompt, by the uſage of the exchequer, without being obliged to ſue out a particular writ of allowance in that behalf. Divers orders of monks had theſe yearly alms or Decimæ. Moreover, ſeveral penſions were wont to be paid to certain of the king's ſervants, when diſabled by age or ſickneſs, viz. a penny, three half-pence, two pence a day: theſe were called Denarius diurnus, Duo denarii diurni, etc. and were uſually charged on the ferm of ſome ſheriff, or other accomptant. When perſons made fine with the king for ſeveral purpoſes they paid to the queen a duty or ſum called Aurum reginæ, over and above their fine to the king. Mr. Prynn has publiſhed a treatiſe expreſly upon this ſubject. In the thirteenth of king John, James de Novo Mercato was charged with five marks and a half of gold, of aurum reginæ, for his father's and brother's relief, and his own. When men were indebted to the queen for the aurum reginæ, ſhe herſelf ſometimes reſpited or diſcharged the debt, as ſhe thought fit. For every hundred marks paid the king, the queen had one mark of gold. In the ſixteenth of king John, William Morant fined fifty marks for ſeiſin of his land, and paid half a mark of gold as aurum reginæ, with the ſaid fine. Mag. Rot. 10 Joh. Rot. 5.

Having thus gone through the ſeveral branches of the royal revenue, I ſhall cloſe all with an account of the exchequer of the Jews. The king of England was wont to draw a conſiderable revenue from the Jews reſiding in this realm, namely, by tallage and fines relating to law-proceedings, by amerciaments for miſdemeanors, and by fines, ranſoms, compoſitions, which they were forced to pay, for having the king's benevolence; for protection, for licence to trade, for

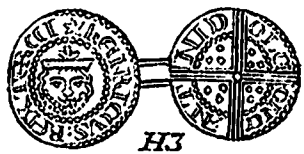
for diſcharges, for impriſonment, and the like. He would tallage the whole community or body at pleaſure, and make them anſwer the tallages for one another. In ſhort, the king ſeemed to be abſolute lord of their eſtates and effects, of their perſons, their wives, and children. They were a numerous body (being ſettled in many, and eſpecially the great towns of the realm), and by traffick, uſury, and mortgages, they became very wealthy both in money and land. But as they fleeced the ſubjects, ſo the king fleeced them. The receipt, or place appointed for the management of the revenue of the Judaiſm, was called Scacarium Judæorum, or Judaiſmi: it was a part or member of the great exchequer. They had there rolls or records, wherein the writs and proceedings of the Judaiſm were entered. And ſummonſes iſſued out of the exchequer of the Jews for the king's debts, like as out of the great exchequer. In fine, there was alſo a wardrobe of the Judaiſm near the exchequer of the Jews. In 44 Hen. III. it was broken open, and ſeveral rolls taken away. Certain perſons were aſſigned to be curators of this revenue; they were uſually ſtyled Cuſtodes and Juſticiarii Judæorum. In the moſt ancient times they were commonly Chriſtians and Jews appointed to act together. Afterwards they were, for the moſt part, Chriſtians only. They were uſually put into their office by the king, by letters of the great ſeal: but ſometimes the treaſurer and barons appointed a juſtice of the Jews, and other clerks of the Judaiſm, by the king's direction. Theſe juſtices of the Jews exerciſed juriſdiction in the affairs of the Judaiſm; namely, in the accompts of the revenue; in pleas upon contracts made with the Jews; in cauſes and queſtions touching their lands or chattels, their tallages, fines, forfeitures, and the like. They recorded in the great exchequer, as there was occaſion, things within their cognizance relating to the Judaiſm. They made their record or declaration before the barons of the exchequer, and the barons adjudged thereupon. In fine, they were looked upon to be members or officers of the great exchequer, and entitled to the privileges belonging to perſons reſident there. The Jewiſh charters (as the charters of other men) were uſually called Chartæ and Chirographa. Some of them were called Starra, Stars, a name of Hebraical origin. Moſt of theſe ſtars were releaſes or acquittances, and written ſometimes in Hebrew, ſometimes in Latin, and ſometimes in French. Selden has publiſhed two in Hebrew. Tit. Hon. p. 644. The moſt ancient Jewiſh charter to be met with, is that of Aaron the Jew of Lincoln, in 22 Hen. II. the tenor whereof is entered in the Great Roll of 9 Rich. I. it is a kind of releaſe. When the Jews made any charter or contract, one part of it was to be laid up in a public cheſt for that purpoſe, called the Cheſt of the Chirographi, or of the Chirographers. This part of the chirograph was called Pes Chirographi. Beſides ſeveral clerks, who were employed in writing the rolls and memoranda of the Judaiſm, there were certain officers called Chirographarii and Cofrarii, who had cuſtody of the cheſts above-mentioned, and of the chirographi and charters made between the Jews, or between them and Chriſtians. It is likely they

they made lists or dockets in writing of all the chirographs that were put in or taken out of the chests. In the archive of the collegiate church of Westminster there is a roll of these dockets: it begins at 9 Hen. III. The chirographers were commonly Christians and Jews, acting together, and were planted in towns where there was a considerable number of Jews, as at Lincoln, Oxford, etc. The chests of the chirographers were kept with great care: at certain times they were locked up, and not to be opened again except at such terms, or by precept from the king, or the barons of the exchequer, or justices of the Jews. When the chests were opened, it was done publicly, in the presence of the sheriff (if in the country) and of the chirographers and cofferers, or (if in London) before the barons of the exchequer, or justices of the Jews, or other principal officers of the Judaism. The king, by writ, ordered the sheriff of Wiltshire to go to the chest of the chirographers at Wilton, and take out, in their presence, all the pedes whereby any debt was secured to Solomon the Jew, and bring them before the barons of the exchequer. Mem. 42 Hen. III. Rot. 10. If a charter made to a Jew was lost, or could not be found in the chest, it was usual for the Jew, to whom it was made, when he was satisfied the money was due upon it, to come and make an acknowledgment in the exchequer, by way of release to the party. The having one part of the Jewish chirographs laid up in the king's treasury, was chiefly to prevent the falsity of the Jews, and to enable the king to recover the estates and credits of the Jews, and to get them into his coffers whenever they should become (as they often did) forfeited, or devolute to the crown. Besides the chirographers, the justices of the Jews had clerks under them. There was a Custos rotulorum, and probably other officers. The Judaism seems to have been guided in general by the use of the exchequer, except that in some cases there was a peculiar law or rule, called the Law Assise or Custom of Judaism. It appears that the Jews held certain chapters or meetings, for affairs relating to themselves. In the reign of Richard I. certain rules, entitled Capitula de Judæis, were made, and given in charge to the justices errant: they are printed in Hoveden, part ii. p. 745. As to the assises of the Judaism, where a contract was made by chirograph between a Christian and a Jew, if a pes (or counterpart) of such contract was not found in the chest of the king's chirographers, the Jew was to lose his debt accuring upon such contract. If a Jew made a star of release secretly, it was held invalid. By the assise of the Judaism, the Jews might have a moiety of the lands, rents, and chattels of their Christian creditors in execution, till they were satisfied for the debt due to them. The Jews paid relief for their lands and for their chattels, or money instead of or under the name of relief. The king had the wardship of a Jew's heir, and his lands and chattels. A Jew's wife might have dower, or thirds out of her husband's credits and chattels. In 37 Hen. III. it was provided, that no Jew should remain in England without doing the king some service: that there should be no schools for Jews in England, except

cept in places where ſuch ſchools were wont to be in king John's reign: that all Jews in their ſynagogues ſhould celebrate with a low voice: that every Jew ſhould be anſwerable to the rector of his pariſh for all parochial dues chargeable on his houſe: that no Chriſtian ſhould ſuckle the child of a Jew, nor any Chriſtian man or woman ſerve any Jew or Jeweſs, nor eat with them, or abide in their houſe: that no Jew ſhould have ſecret familiarity with a Chriſtian woman, nor any Chriſtian man with a Jeweſs: that no Jew or Jeweſs ſhould eat or buy fleſh in Lent: that every Jew ſhould wear a badge upon his breaſt: that no Jew ſhould enter into any church or chapel, unleſs in paſſing to and fro: that no Jew ſhould hinder another Jew, who was willing to turn Chriſtian: and that no Jew ſhould be ſuffered to abide in any town, without the king's licence, except in towns where Jews were formerly wont to reſide. Theſe articles were to be obſerved by the Jews, under pain of forfeiting their goods. Clauſ. 77. Hen. III. m. 18. Though the exchequer of the Jews was, to ſome purpoſes, diſtinct from the great exchequer, yet both the exchequer of the Jews, and the acts and proceedings of the juſtices and chirographers of the Jews, were ſubject to the control of the chief juſticiary, and treaſurer, and barons of the exchequer. The debts due from Chriſtians to Jews, were ſubject to ſuch orders as the king thought fit to make. Sometimes the king would grant reſpites for the payment of ſuch debts, and ſometimes would diſcharge the debts thereof. Again, the juſtices of the Jews were wont to accompt before the barons of the exchequer for the iſſues of Judaiſm: and if they miſbehaved, they were anſwerable for the ſame before the barons, who, if there was cauſe, annulled their acts or judgments, and puniſhed them for miſdemeanors in their office. In general the king was wont to uſe the Jews with ſeverity when refractory, and ſhewed them favour when obedient and compliant. King John, in the ſecond year of his reign, granted a charter of liberties to the Jews of England and Normandy, which the curious reader may ſee in Madox's Hiſt. of the Exchequer, p. 174. Henry III. for the ſupport of ſuch Jews as embraced the Chriſtian religion, and were deſtitute of livelihood, founded a houſe at London, called Domus Converſorum, the Houſe for the Converts, and endowed it with a competent revenue. This houſe was uſually committed by the king to the care and rule of ſome clergyman of diſtinction, called Cuſtos Domus Converſorum, and Gardien des Converſes. It was ſituate in Chancellor-lane, near the New Temple, and hath been called in the modern times the Rolls. Although the Jews were permitted to ſettle in ſeveral populous towns, it is likely they were not welcome to the inhabitants: one of the liberties granted by Henry III. to the men of Newcaſtle was, that no Jew ſhould dwell or ſtay in the town, ch. 18. Hen. III. m. 16. There is frequent mention in records of an Epiſcopus and Preſbyter Judæorum. What they mean may in ſome meaſure be learned from this caſe: Henry III. appointed the juſtices of the Jews to try Elias the biſhop, a Jew of London, for a treſpaſs againſt the king and his brother; Elias being convicted, was by the ſaid juſtices adjudged to be deprived

prived of his Prieſthood of the Community of the Jews in England. Hereupon the king, for a fine of three marks of gold, paid him on behalf of the community of the Jews, granted them that Elias ſhould never afterwards have the ſaid prieſthood: that for the future, no man ſhould be (chief) prieſt of the Jews, without being choſen by the conſent of their community; and that the ſaid community ſhould have free power, after the deceaſe of any chief prieſt, to elect another at their pleaſure, and preſent him to the king for his approbation. In the year 1290 (18 Edw. I.) the growing or renewing revenue of Judaiſm, and the exchequer of the Jews, ceaſed; the Jews being about that time expelled out of England. But by the expulſion of the Jews (called then Exilium Judæorum) many eſcheats, both of lands and chattels, came into the king's hands.

H3



H3

The coins of Henry III. are ſufficiently diſtinguiſhed, by always having his number (III.) added to his title, as HENRICVS REX III. or REX TERCI. His head is full-faced and crowned, whereof there are two ſorts, one with a ſceptre, the other without. The crown (inſtead of the five points, as formerly) conſiſts of a thick line, raiſed at each end, with a croſs in the middle above the line, and three pearls below. Inſtead of the four pellets, on the reverſe, in form of a croſs, are three in form of a triangle, and a large double-line croſs, continued to the outer rim. This king was the firſt that coined half-pence and farthings round (as appears by one in the poſſeſſion of the earl of Pembroke) before which time they uſed to break the penny into halves and quarters. The manuſcript Chronicle of the city of London ſays, this king, in 1258, coined a penny of pure gold, of the weight of two ſterlings, and commanded it ſhould go for twenty ſhillings. If this be true, theſe were the firſt pieces of gold coined in England: but none of theſe are to be found. The clippers made ſuch havock of the money in this reign, that there was hardly a penny to be ſeen, which had not loſt the letters on both ſides: ſo that the king was obliged to command all traders to receive and pay money by weight. This was chiefly owing to the Italian bankers, ſent hither under the pope's protection.

THE

THE STATE of the CHURCH,

DURING THE

Reigns of HENRY II. RICHARD I. JOHN LACKLAND, and HENRY III.

DURING the four laſt reigns the affairs of the church were ſo mixed with thoſe of the ſtate, that there was a neceſſity of relating them together. The conteſts between Henry II. and Thomas Becket, and between John and Innocent III. and the tyranny exerciſed by the popes in England under Henry III. furniſh the chief materials for the eccleſiaſtical hiſtory of theſe three reigns. That of Richard I. was the only one where the church had no influence, unleſs we are to look upon the cruſade, in which that prince was engaged, as an affair purely eccleſiaſtical. There are who conſider theſe four reigns as a time of triumph for the church, becauſe in their notion of the church the pope and clergy only are included. Others are of opinion, this was a time of oppreſſion and ſlavery, becauſe Chriſtians were expoſed to the impoſitions of the popes, who ſhamefully abuſed the authority they were ſuffered to aſſume. State of the church.

The bare reading of theſe four reigns is ſufficient to ſhow that I have not without reaſon enlarged on the prodigious encreaſe of the papal power, ſince it was to be the principal ſubject of the hiſtory. We have ſeen the pernicious effects of the power aſſumed by the popes: it remains now to ſhew on what principles they eſtabliſhed their authority, and the conſequences they drew to extend it more and more. This is a thing the more worthy of notice, as it is to be deemed the ſpring of all the remarkable events which happened in the church of England for ſeveral centuries.

The firſt principle was, that Jeſus Chriſt committed the inſtruction of the faithful to the care of the miniſters of his church, from whence were drawn theſe two inferences: firſt, that the faithful ought to ſubmit to the deciſions of the miniſters in matters of faith: ſecondly, Principles on which the eccleſiaſtical power was eſtabliſhed. Firſt principle.

that laymen had no right to decide, or even to examine, the difficulties which might ariſe about theſe matters, but ought implicitly to follow the determinations of the eccleſiaſtics. This manifeſtly ſuppoſes infallibility in the miniſters of the church. But as this ſuppoſition was founded upon the promiſes of Chriſt to his church in general, and as the conſequence drawn from thence for the infallibility of the miniſters in particular, was not ſufficiently evident, an expedient was found to blind the eyes of the world, by confounding the general notion of the church with that of the clergy in particular. Thus by degrees the clergy alone were called the church, and to them only were applied the promiſes of Chriſt to all Chriſtians in general. They aſſerted, that Chriſt, in declaring the gates of hell ſhould not prevail againſt the church, plainly meant that the clergy, or councils wholly conſiſting of the clergy, ſhould be infallible in their deciſions. The miſinterpretation therefore of the word Church was one of the chief cauſes of the blindneſs of Chriſtians. I leave the reader to extend his reflections on this head, for I purpoſe only to point out the ſeveral ſteps by which the eccleſiaſtical power roſe to ſo prodigious a height.

Second principle. The ſecond principle was, that Jeſus Chriſt not only appointed miniſters in his church for the inſtruction of the faithful, but alſo to inſpect their life and converſation. Hence it was inferred, that it belonged to the paſtors to declare to their flocks what was juſt and agreeable to the laws of God, and what not. From this principle was drawn a farther conſequence, that not only they had a right to exhort the faithful and cenſure them for neglect of duty, but alſo to puniſh the impenitent.

Third principle. A third principle was, that Chriſt's church ought to be pure and holy, without ſpot or wrinkle, and therefore it was neceſſary to uſe all poſſible endeavours to prevent her being polluted either with ſin or error. Now as by the foregoing principles the clergy alone had the right of inſtruction and inſpection, it followed that to them belonged the care of preſerving the purity of the church.

Fourth principle. This led to a fourth principle, that, in order to preſerve the church pure, it was neceſſary to cut off the rotten branches. The conſequence from thence was, that when a Chriſtian ſuffered himſelf to be corrupted either by ſin or error, he was to be excommunicated, that is, cut off from the body of the church. It is eaſy to ſee, that, according to the foregoing principles, it was the clergy's buſineſs to excommunicate, and

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that they acquired thereby a great authority, and a profound reſpect from all Chriſtians.

If the governors of the church had all been holy and infallible, theſe principles with their inferences would have produced only good effects, and a diſcipline very profitable to ſalvation would have been preſerved in the church. But they happened to be too frequently ſwayed by intereſt, caprice, or the impulſe of an ill governed zeal; and therefore it could not but be thought very improbable, that God ſhould ſubject his church to the paſſions and prejudices of his miniſters. Hence it was natural to conclude, either theſe principles were falſe, or at leaſt the conſequences carried too far. This belief could ſcarce fail to breed a contempt for unjuſt and raſh excommunications, which contempt had even ſome influence on the moſt regular. Every one is naturally inclined to imagine himſelf unjuſtly condemned. From this contempt proceeded an unconcern in the perſons excommunicated to be reconciled to the church, and to give her the ſatisfaction ſhe required.

If in the excommunications the clergy had only aimed at preſerving the church's purity, they would have been contented with cutting off the rotten members, and grieving at the obſtinacy of thoſe who neglected to be abſolved. But this was not what affected them moſt: ſatisfaction was their chief concern. The reaſon is, becauſe moſt of the excommunications were thundered againſt ſuch as encroached on the lands or immunities of the clergy, to whom alone the name of Church was always appropriated. It was neceſſary therefore, for the intereſt of the clergy, to oblige thoſe who were cut off from the body of the church, to be reconciled to her, and give her ſatisfaction. For this cauſe another principle was eſtabliſhed, "That ſpiritual penalties not being ſufficient to conquer "the obſtinacy of hardened ſinners, it was neceſſary, for the "glory of God, to uſe temporal puniſhments to force them "to obedience." Upon this foundation, the clergy, who were already in poſſeſſion of regulating all matters relating to religion, came to this deciſion in their councils, "That "excommunicated perſons were not only to be ſeparated from "the aſſemblies of the church, but alſo from all intercourſe "with the faithful." If this rigorous law had been ſtrictly obſerved, the excommunicated would quickly have ended their days for want of the aſſiſtances which men naturally give one another, unleſs they had choſen to go and live among the infidels. But as it was not poſſible to hinder their relations and friends from affording them ſome relief, though the contrary

trary often happened, another expedient was found to put the perſons cut off from the church under a neceſſity to ſubmit to her orders, that is, to thoſe of the clergy. It was ordained in the councils, "That if within forty days after excommunication, the party excommunicated did not ſue to be reconciled to the church, the magiſtrate, upon the biſhop's complaint, ſhould be obliged to caſt him into priſon, and confiſcate his eſtate." When therefore a Chriſtian was excommunicated, he was to expect to loſe his liberty and property, or make the church ſuch ſatisfaction, as the church herſelf, that is, the clergy, ſhould judge proper. This decree of the councils would hardly have been enacted into a law, if ſovereigns had not found their advantage in it, by means of the confiſcations. They did not expect that this ſevere treatment was ever like to reach them. But when once they admitted the principle of the unlimited authority aſſumed by the church, they quickly experienced that, as Chriſtians, they had no more privilege than their ſubjects. The popes, whoſe power daily encreaſed, extended it at length over crowned heads. They made no ſcruple to excommunicate princes themſelves, who were frequently abandoned by their own ſubjects, and to deprive them of their kingdoms, and give them to others.

The ſame principles then, which had been eſtabliſhed for private perſons, extended to kings and emperors. There was at firſt but one thing which diſtinguiſhed an excommunicated prince from a private perſon; namely, that his ſubjects were bound to him by an oath, which many could not think of violating, on pretence that their ſovereign was excommunicated. But the popes found means to remove this ſcruple, by abſolving them from their oath of allegiance, by the plenitude of their apoſtolical power. This was in conſequence of the maxims before eſtabliſhed, "That an excommunicated perſon was to be deprived of his poſſeſſions."

All this however was not ſufficient to compel excommunicated princes, to give the church the ſatisfaction ſhe demanded. There were many of their ſubjects who were not convinced, that the pope had power to excommunicate ſovereigns. Others believed, that as long as a king was on the throne, his ſubjects ought not to refuſe the obedience due to him. Some, though perſuaded of the pope's authority, thought it unlawful to take up arms againſt the king actually reigning. Others again durſt not venture on ſo hazardous an undertaking, which might end in their own and their families ruin. To ſurmount theſe difficulties, the popes bethought themſ-

themſelves of theſe two things. The firſt was, to depoſe excommunicated and obſtinate kings, in a council, or only in a conſiſtory, in order to remove all ſcruples from their ſubjects. The ſecond was, to commiſſion ſome powerful prince to execute their ſentence, to the end that joining with thoſe ſubjects who were only reſtrained by fear, the depoſed prince might be compelled to ſubmit to the church. Of this we have ſeen a terrible inſtance in the quarrel between Innocent III. and king John.

Thus from principles which might be originally good, conſidered in themſelves, ſuch conſequences were drawn, as tended to erect the ſpiritual juriſdiction of the church into a temporal and abſolute monarchy. Indeed, could a chriſtian help regarding, as his real maſters, men, who diſpoſed of his eſtate, his honour, his life, and his ſalvation? The wonder is, that chriſtians ſhould be ſo blind, as to admit all theſe principles, with their unlimited conſequences, and ſuffer ſuch a ſyſtem to be built thereon, as wholly tended to enſlave them. It is true, it was thought neceſſary at laſt, though too late, to ſet bounds to the abſolute power aſſumed by the pope and the clergy. But there was a ſtrong oppoſition, and a reſiſtance ſo much the greater, as time had been given them to confirm themſelves in their uſurpations.

This is the principal ſubject of the eccleſiaſtical hiſtory of England during ſeveral centuries, and eſpecially during the four reigns now before us. Except a few events, it contains only affairs reſulting from the exorbitant power engroſſed by the pope and the clergy. The ſole aim of the councils was to maintain the privileges and immunities of the church, that is, of the clergy; for theſe two were generally confounded. All the projects of the popes, tended only to enlarge their authority, as well over the laity and the ſovereigns themſelves, as over the clergy. If they have not been able to keep the exceſſive power to which they were arrived, it is entirely owing to their abuſe of it; which cauſed them to loſe by degrees the regard paid to every thing flowing from the holy ſee. The bare facts in this hiſtory, concerning the affair of Thomas Becket, the depoſing of king John, and the papal oppreſſions during the long reign of Henry III. are ſufficient to convince all unprejudiced perſons of the rigor wherewith the popes exerciſed the authority they had been ſuffered to aſſume. How much more convincing would it be, ſhould we add to theſe inſtances, what paſſed on the ſame ſubject, in all the other chriſtian kingdoms? But to confine myſelf wholly to England, I ſhall only remark, that Becket's affair carried

the papal power in England higher than ever, after a prince, ſo haughty as Henry II. was forced to ſubmit to a ſhameful diſcipline. The homage king John was obliged to do the pope, raiſed this power to its utmoſt height. From that time the popes looked upon England as a conquered country, with which they did not think themſelves obliged to keep any meaſures. This is manifeſt throughout the whole reign of Henry III.

It muſt be farther obſerved, that if the rigour wherewith the popes treated England, ſerved for ſome time to keep the kingdom in ſubjection, it proved however the chief cauſe of the decay of their power, when circumſtances came to be altered. As they carried it too far, they made the Engliſh, naturally jealous of their liberty, deſire to throw off ſo intolerable a yoke. Accordingly, when a favorable juncture offered, they failed not to take advantage of it, and the rather as they found themſelves ſupported by the clergy, who felt no leſs than the people, the effects of the papal tyranny. This will appear in ſome of the following reigns. Mean time, we are to conſider the days of John and Henry III. as thoſe wherein the papal power was at the higheſt in England, and, if I miſtake not, in moſt other kingdoms of Europe. I might confirm my aſſertion with numberleſs proofs, if what has been ſaid did not appear to me ſufficient. They who deſire to ſee a more particular account of the unjuſt and violent proceedings of the court of Rome with reſpect to England, during the reigns of John and Henry III. may, for their ſatisfaction, conſult the hiſtory of Matthew Paris, who treats of them at large. It is true, indeed, endeavours have been uſed to deſtroy the credit of that author; but men of ſenſe don't conſider, as an evidence of unfaithfulneſs, bare allegations without proofs.

Conteſts about elections.

The frequent conteſts about the elections of biſhops and abbots, make alſo a conſiderable article of the affairs of the church. But as I have had frequent occaſion to ſpeak of them, it will be needleſs to enlarge any farther upon that ſubject. It will ſuffice to point out in general, what ſerved for foundation to theſe diſputes. As to the ſee of Canterbury, the monks of St. Auguſtine's pretended, that the right of electing the archbiſhops belonged to them, excluſive of all others. But the ſuffragan biſhops maintained, they had an equal right with the monks. On the other hand, the court did not willingly ſuffer any to be promoted to the archiepiſcopal dignity, but whom they approved of. The court therefore, directly or indirectly, had all along a great ſhare in the elections. Theſe

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ſeveral intereſts were the occaſion, that hardly could an archbiſhop be choſen without ſome conteſt. One while, becauſe the monks elected, without conſulting the ſuffragan biſhops; another while, becauſe the biſhops made a different choice from that of the monks. Sometimes the monks themſelves made a double election; and ſometimes it happened, that the prelate not being agreeable to the king, could not obtain his confirmation. The court of Rome reaped great advantages from theſe conteſts, ſince to her was referred the deciſion thereof. Upon theſe occaſions the popes made it a rule, to declare in favour of him who appeared beſt affected to the holy ſee. Oftentimes, by the fulneſs of their apoſtolical power, they annulled the elections made with unanimous conſent, and cauſed whom they pleaſed to be choſen. Of this we meet with ſeveral inſtances in the hiſtory of England.

Theſe diſſentions reigned almoſt as much in the elections of the other biſhops and abbots. The court had always among the voters a party, which generally carried it from the others: at leaſt, it was ſtrong enough to hinder the election of ſuch as were diſagreeable to the king. Whatever happened, they raiſed diſputes, which were referred to the pope's deciſion. Then it was that the king uſed ſuch means with the pope, as ſeldom failed of ſucceſs. This frequently occurs in the hiſtory of the church of England. But it ſuffices to have made here theſe few remarks, without deſcending to particulars.

The immunities very often granted by the court of Rome to churches and monaſteries, in prejudice of the biſhops, were alſo a fertile ſource of diſputes. Theſe immunities regarded either the viſitation of the religious houſes, or the elections of the abbots, or the diſpenſation to ſome biſhops to be abſent from the councils. All theſe articles produced an infinite number of ſuits, of which the whole profit accrued to the pope, who commanded the parties to repair to Rome to defend their reſpective rights. When once they were there, they never ſaw the end of their ſuits, unleſs by preſents they found means to procure diſpatch; and he that gave moſt, generally came off beſt. Of this it would not be difficult to give ſeveral inſtances: but there is no occaſion to prove a fact ſo well known and averred. It is time now to proceed to the councils during the four reigns we are ſpeaking of. Concerning immunities.

COUNCILS in the Reign of HENRY II.

A mixt council.

IN the year 1155, being the firſt of Henry II. a mixt council was held in London, conſiſting of biſhops and barons, where ſeveral affairs relating to the church and ſtate were debated. I take notice of this aſſembly, on purpoſe to ſhew that the uſe of theſe mixt councils was not yet entirely aboliſhed.

Council againſt Becket.

In 1165, a ſynod was held which appealed to the pope from the excommunication denounced by Becket againſt thoſe that obſerved the conſtitutions of Clarendon.

Council of Oxford againſt the publicans. Spel. Con. T. ii. p. 59.

The ſame year, according to Dr. Hody, but ſix years ſooner according to Spelman, and according to others, four only, Henry II. ordered a council to meet at Oxford, to examine the tenets of certain heretics called publicans, of whom I have ſpoken in the reign of that prince. Very probably, they were diſciples of the Waldenſes, who began then to appear. When they were aſked in the council, who they were, they anſwered, they were chriſtians, and followers of the doctrine of the apoſtles. After that, being queſtioned upon the articles of the creed, their replies were very orthodox as to the trinity and incarnation. But if William of Newburgh is to be credited, they rejected baptiſm, the euchariſt, marriage, and the communion of ſaints. They ſhewed great modeſty and meekneſs in their whole behaviour. When they were threatned with death, in order to oblige them to renounce their tenets, they only ſaid, "Bleſſed are they that ſuffer for righteouſneſs ſake." The council, finding there was no prevailing upon them, delivered them over to the ſecular power. Unhappily for them, the king being then at variance with the pope, was afraid of giving him an advantage if they were ſpared. Upon this account he treated them more ſeverely than he would have done at any other time. After cauſing them to be branded with a hot iron, he forbid, under great penalties, all perſons to give them the leaſt relief. They ſuffered this hard treatment very chearfully; and as they could meet with no aſſiſtance, either to ſtay in the kingdom or depart, they all miſerably periſhed. This is all the hiſtorians have related concerning theſe pretended heretics, without ſaying why they were called publicans. I obſerve they were very likely diſciples of the Waldenſes, becauſe of their orthodoxy on the trinity and incarnation, and becauſe of their patience, and their anſwer to the council that they followed the doctrine of the apoſtles, for that was preciſely the language of the Waldenſes. It is true,

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we cannot trace the Waldenses in the tenets ascribed to them concerning baptism, the eucharist, marriage, and the communion of saints. But possibly the historians, who mention them, may have misrepresented their doctrine. Perhaps they did not believe transubstantiation, and refusing to communicate with the believers, it was inferred they rejected the eucharist and communion of saints. As for baptism, perhaps they stript it, with the Waldenses, of all the ceremonies tacked to it since its institution: and it may be they denied marriage to be a sacrament, and on that account were accused of rejecting it. However this be, they are not the first to whom have been ascribed doctrines little agreeable to their sentiments, as it is easy to see in the history of the Waldenses and Albigenses [a]. What I have been saying is however only a conjecture: but it is so plausible, as to raise our admiration at the rashness of some protestant authors, who upon the credit of William of Newburgh and other monks, have been so severe upon these pretended heretics.

Gervase in his chronicle speaks of another council convened by Henry II. where, he says, that prince caused the bishops to swear to obey his orders, before he had informed them of his intentions. He adds, that in consequence of this oath, he would have obliged th m to withdraw their obedience from Alexander III. and own the antipope; but that the prelates flatly refused it. It seems that Gervase, who was a monk of St. Augustine's and cotemporary with Becket, should have perfect knowledge of all that passed in that archbishop's contest with the king. But as he is extremely partial in favour of Becket, and besides, as no historian speaks of this council, one can hardly doubt its being a fiction. The only foundation for it, is Henry's writing to the archbishop of Cologne, as was said in the history of his reign. I shall observe here, that certain modern historians, relying on the authority of Gervase, who was Becket's creature, have unwarily taken him for guide in their account of the quarrel. Hence they have been induced to favour the archbishop, and insinuate as

[a] The Waldenses published the articles of their faith, which they dedicated to the French king, who was then persecuting them. The monks would have [illegible] their doctrines, but they came to light, partly by the quarrels of the papists among themselves, and partly by the taking of [illegible] in [illegible], by the marechal de [illegible], a protestant, who found the [illegible] of the persecutions, [illegible] in that place, when the monks [illegible] to have burnt them, because they not only contained an account of the cruelties against the Waldenses, but proved, that their doctrine was the same with ours. This makes [illegible] conclusion [illegible] and should be a caution to protestant writers, not to condemn too hastily for heretics, all that are mentioned as such by the monks.

if he was unjustly persecuted by the king. This, added to what I remarked in the foregoing instances, shews how easily historians suffer themselves to be drawn insensibly into the notions or prejudices of those that have writ before them.

Synod at Westminster. Gervas. Brompt. Hoved.

In 1175, Richard archbishop of Canterbury convened in Westminster a national synod, where he caused to be read some canons drawn up by himself. They mostly relate to ecclesiastical discipline, and the celibacy of the priests, which was not yet fully established. Roger archbishop of York was not present at this synod, but sent agents, who protested, in his name, against three things wherein he thought himself aggrieved. First, he complained of being denied the privilege of having the cross carried before him in the province of Canterbury. In the second place, he complained, that the bishoprics of Lincoln, Chester, Worcester [and Hereford] were unjustly taken from the jurisdiction of the see of York. His third grievance was, an excommunication denounced by the archbishop of Canterbury against some clergymen of St. Oswald's in Glocester. Hence it is evident, that the old disputes between the two metropolitans still subsisted, notwithstanding the care taken to end them, in the reign of Henry I.

Disputes between the two archbishops.

Gervas. Brompton. Diceto. Hoved.

What passed the next year, 1176, in a synod held by Huguccio the pope's legate, shows it still more plainly. The archbishop of York seating himself on the right-hand of the legate, the archbishop of Canterbury's domestics dragged him thence, and trampled upon him. This accident caused the synod to break up, and was followed with a long process, which occasioned the two metropolitans to carry to the court of Rome several appeals, from whence she reaped great advantages*.

Expedient to the clergy to satisfy the pope for fear of consequences.

In the year 1183, the pope desiring Henry II. to procure him a subsidy from the clergy, to enable him to carry on the war against the emperor, the king assembled the prelates, to acquaint them with the pope's demand. The clergy not daring to refuse the aid the pontiff required, and, on the other hand, dreading it might be made a precedent, contrary to the liberties of the church of England, used this expedient to content him. They entreated the king to give the pope what he thought reasonable, promising to repay what he should advance.

* This same year, William king of Scotland, [illegible] bishops, [illegible] and [illegible] of [illegible], being at a great [illegible] of parliament, at Northampton, king Henry required them to make their submission to the church of England; but they refused. Hoved.

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In this reign two councils were held in Ireland; the firſt was convened at Armagh, preſently after the conqueſts of the Engliſh. It was decreed, that all the Engliſh ſlaves ſhould be enfranchiſed, the prelates being perſuaded, that the calamities of their iſland proceeded from the detaining in ſlavery men who were Chriſtians as well as themſelves. Beſides, they conſidered that encouragement was given to pyrates, by affording them an opportunity of ſelling their ſlaves in Ireland. The other ſynod was held at Caſhel, to put the church of Ireland upon the ſame foot with the church of England; that is to ſay, to reduce the Iriſh clergy under the pope's juriſdiction, purſuant to the king's promiſe, when he demanded Adrian's conſent to make that conqueſt.

Synod at Armagh in Ireland. Gir. Camb. Hib. Exp. c. 18.

Another at Caſhel. Hoveden. Gir. Camb. c. 34.

Before I finiſh what relates to the councils in the reign of Henry II. I ſhall add a word concerning the eleventh council of Lateran, convened at Rome by Alexander III. There were only three Engliſh biſhops[c] at this council; for, according to the teſtimony of Roger de Hoveden, it was one of the privileges of the church of England, not to be obliged to ſend more than four biſhops to councils held at Rome. The Albigenſes were excommunicated in this council, and all Chriſtians very ſtrictly forbidden to hold correſpondence with them.

Eleventh council of Lateran. Gervas. Brompt. Hoveden. p. 582.

One of the canons prohibited, on pain of excommunication, to promiſe benefices before a vacancy. But this prohibition took place only with regard to patrons, and not with reſpect to the pope, who broke it continually, by means of proviſions, of which, in ſpite of the canon, they made frequent uſe.

It was farther reſolved in this council, to eaſe the vaſt expence churches and religious houſes were liable to, for the entertainment of the viſitors and their retinue. It was decreed, that in viſitations an archbiſhop ſhould not have more than fifty horſe, a biſhop more than thirty, a legate more than twenty-five, and an archdeacon more than ſeven. A great reformation truly! which plainly ſhows the moderation of the council. The charges the abbies and churches were at upon this occaſion, were called procurations, doubtleſs becauſe the churches were obliged to procure what was neceſſary for the entertainment of the viſitors. In proceſs of time, this was turned into a certain ſum of money, which kept the name of procurations, and became a fertile ſource of oppreſſions

[c] Hoveden names four who were preſent at the council, viz. Hugh biſhop of Durham, John of Norwich, Robert of Hereford, and Reginal of Bath. The abbots were more numerous.

imposed

impoſed by the the nuncios and legates on the churches. Tiltings and tournaments were likewiſe forbidden, but this prohibition was not capable of aboliſhing them.

COUNCILS in the reign of RICHARD I.

Synod in favour of John's marriage. Mat. Paris.

IN 1189, Baldwin archbiſhop of Canterbury, interdicting the lands of prince John, on account of his marriage with his couſin Aviſa of Gloceſter, there was an appeal to the pope. Whereupon a legate was ſent into England, who called a ſynod, where the archbiſhop's proceedings were annulled, and the interdict taken off. After that, the pope confirmed the marriage by his authority. Notwithſtanding this deciſive ſentence, the marriage was annulled ſeveral years after, on the ſame pretence of kindred, and by the ſame authority; every thing being eaſy to thoſe that are inveſted with abſolute power.

Dicето. Mat. Paris. M. Weſtm.

The ſame Baldwin being about to attend Richard to the Holy Land, convened a ſynod, where he declared that he left the adminiſtration of the affairs of the province of Canterbury to the biſhop of London, and of his particular dioceſe to the biſhop of Rocheſter.

Brompton. Dicето.

During the abſence of the two archbiſhops, one of whom was in the eaſt, the other in Normandy, the biſhop of Ely, regent of the kingdom and legate of the pope, convened two ſynods, one at Gloceſter, and another at Weſtminſter: but nothing of moment was tranſacted, his aim in calling them being only to ſhow his grandeur.

Gervas.

Baldwin dying at Acres, as ſoon as the news reached England, the biſhop of London ſent an inhibition to the monks of St. Auguſtine, to proceed to an election of an archbiſhop,

Dicето.

without the conſent of the ſuffragan biſhops. Some time after, the ſuffragans being met at Canterbury, the monks came into their aſſembly, and declared they had elected the biſhop of Bath; at the ſame inſtant they took and placed him on the archiepiſcopal throne. The biſhops appealed to the pope; but the death of the prelate elect, which happened ſoon after, put an end to the difference.

A ſynod at York. Hoveden. Spelm. Con. tom. 2. p. 450.

In 1193, Richard ſent from Paleſtine a letter to the ſuffragan biſhops of Canterbury, ordering them to proceed to the election of an archbiſhop, jointly with the monks of St. Auguſtine. Purſuant to the order, a ſort of ſynod was held, and Hubert Walters elected, whom the king had ſtrongly recommended.

Two

Two years after, Hubert, being made legate, convened, in the cathedral of York, a national ſynod, where ſeveral canons were made, of which two only deſerve notice. By the IIId, prieſts are forbidden to take money for ſaying maſs. The Vth, expreſsly prohibits deacons to adminiſter the ſacraments of baptiſm and the euchariſt, unleſs in caſes of neceſſity. Hoveden. p. 755.

COUNCILS in the reign of king JOHN.

IN the year 1200, archbiſhop Hubert held a national ſynod at Weſtminſter, notwithſtanding the king's prohibition, which is remarked by hiſtorians as the firſt uſurpation of this nature. Several canons were made in the ſynod, the chief of which are theſe: Synod held notwithſtanding the king's prohibition. Hoveden. p. 806. Brompton. Spelm. Con. tom. ii. p. 123.

The Iſt regulates the pronunciation of divine ſervice, to prevent reading prayers either too ſlow or too faſt.

The IId forbids the conſecrating the euchariſt more than once in a day, without urgent neceſſity.

The XIth declares againſt clandeſtine marriages, and forbids married perſons to travel beyond ſea, without publiſhing their mutual conſent.

In 1206, the pope intending to levy in England an extraordinary Romeſcot, or Peter-pence, the biſhops met in a ſynod to debate upon his demand. But the king ſending them word to proceed no further, they broke up without coming to any reſolution. And indeed Peter-pence not concerning the clergy more than the reſt of the nation, it belonged not to them to determine whether it was to be paid or not. Nevertheleſs, ſhortly after, Florentinus, a legate, called another ſynod at Reading upon the ſame account; and, as if the clergy had been the occaſion of the king's refuſal, extorted from them an aid in lieu of the extraordinary Romeſcot demanded by the pope. Synod which refuſes money to the pope. Mat. Paris.

I paſs over in ſilence ſeveral councils, called purely to regulate the reſtitution the king was to make the eccleſiaſtics, after his reconciliation to the pope, having ſpoken of them elſewhere.

During the reign of king John, pope Innocent III. convened the twelfth council of Lateran, at which were preſent four hundred and twelve biſhops[a]. There were paſſed ſeventy canons, which, according to the report of the hiſtorians, Twelfth council of Lateran. Mat. Paris.

[a] Among whom was Langton archbiſhop of Canterbury.

were

were not very agreeable to the prelates, by whoſe authority they were made. This gave occaſion to a famous modern to conjecture, that the pope drew up theſe canons himſelf, and that they were read before the council, whoſe ſilence was taken for an approbation. This was an artifice which began to be practiſed, in order to paſs in councils whatever the pope deſired: the preſident ordered the canons, ready drawn up, to be read, and the prelates perceiving they were not deſigned to be debated, no one dared to be the firſt oppoſer. In proceſs of time this expedient was frequently uſed; and the council of Vienne, which was held in 1312, where the order of the Knights Templars was aboliſhed, will furniſh us with a remarkable inſtance.

M. Du Pin.

To return to the council of Lateran; ſince the church of England, as a member of the catholic church, was no leſs concerned than the other churches in the canons made there, it will not be perhaps foreign to the purpoſe to be ſomething particular: but however, to avoid prolixity, it will be ſufficient to take notice of three canons, which ſeem remarkable beyond the reſt.

Canons of the Lateran council.

The Iſt eſtabliſhes, in expreſs terms, the doctrine of tranſubſtantiation.

The IIId imports, that the ſecular power ſhall be requeſted, ſollicited, and, if need be, compelled by eccleſiaſtical cenſures, to take an oath to uſe their utmoſt endeavours to root all heretics out of their territories. That for the future all perſons, without exception, ſhall be obliged to ſwear the ſame oath, upon their being promoted to any dignity ſpiritual or temporal. And if any temporal lord refuſes to purge his dominions of heretics, after an admonition, he ſhall be excommunicated by the metropolitan and his ſuffragans. And in caſe he contemns the cenſures of the church, and refuſes to make ſatisfaction within a year, the pope ſhall declare his ſubjects and vaſſals abſolved from their oath of fealty, and at the ſame time ſhall invite the catholic princes to ſeize his eſtates, ſaving to the ſovereign of the fee, if there is any, his rights, upon condition that the ſovereign ſhall do nothing to obſtruct the execution of the canon.

Remarks on the third canon.

It is difficult to read this decree without being ſurprized, that biſhops ſhould aſſume a right to deprive ſovereign princes of their dominions, as if Jeſus Chriſt had, in expreſs terms, inveſted them with ſuch a power. They might be allowed a right to exhort, to requeſt, to ſollicit princes to purge their territories of heretics: nay, let them be ſuffered, if you pleaſe, to excommunicate theſe princes, under colour of their being, as members

members of the church, liable to eccleſiaſtical cenſures as well as their ſubjects: but that biſhops may extend their authority ſo far as to decree temporal puniſhments, and deprive princes or even private perſons of their property, is what cannot be granted, without reſigning to them withal the temporal ſovereignty of the whole Chriſtian world. To what purpoſe then, will ſome ſay, is excommunication, if the perſons excommunicated happen to contemn it? I know not; God alone will be judge in the other life. But this did not content the clergy, and much leſs the popes, who would be reſpected, feared, and obeyed in this life; for that was the ſole end of all their excommunications. And indeed to this temporal puniſhments were abſolutely neceſſary, ſpiritual ones not producing their effect but in the next world, about which they were little concerned. Thanks be to heaven, the generality of Chriſtians follow at preſent a different theology. Accordingly the excommunications of princes are much leſs frequent, becauſe peoples eyes are opened, and do not think themſelves obliged to renounce their allegiance to their ſovereigns, in compliance to the pope's pleaſure. It may be further obſerved on this decree, that, though it ſeemed to be levelled only againſt the earl of Thouloufe and the other protectors of the Albigenſes, yet the conſequences reached all Chriſtian princes in general. And indeed from this principle naturally flowed the unlimited authority, too frequently exerted by the Roman pontiff.

The laſt canon of the council of Lateran that I deſign to conſider is the XIVth. By this canon it is decreed, that the prieſts who are addicted to debauchery, in countries where marriage is allowed, ſhould be more ſeverely puniſhed than thoſe who live in places where they are obliged to celibacy. Hence it may be inferred, that the celibacy of the clergy was not yet univerſally eſtabliſhed.

COUNCILS in the reign of HENRY III.

I Shall not take upon me to ſpeak of all the councils in the long reign of Henry III. becauſe they were, for the moſt part, convened only to ſupply the popes with money, or to countenance their exactions. I ſhall content myſelf with chuſing ſuch as more immediately concerned religion, or wherein ſomething remarkable was tranſacted.

In

Synod at Canterbury, wherein were condemned three persons. Spelm. Con.

In 1222, cardinal Langton convened, in the cathedral of Canterbury [e], a provincial ſynod, where three men were condemned, and delivered over to the ſecular arm. The firſt pretended to be Jeſus Chriſt, and ſhewed on his body the five wounds of our Saviour. The ſecond was a hermaphrodite, who accompanied that impoſtor. The third was a deacon, who, to marry a Jewiſh woman with whom he was in love, had circumciſed himſelf [f].

Synod againſt the marriage of prieſts.

In 1225, the ſame prelate held a ſynod, where was made a canon, confirming the prohibition of the marriage of the prieſts. Hence it may be preſumed there were ſtill in England, prieſts who ſtood their ground againſt all former prohibitions.

Council of St. Paul's. Mat. Paris. Spelm. Con.

In 1237, Otho, the pope's legate, convened a national council at London, in St. Paul's church. As he knew there was a deſign to oppoſe the canons againſt pluralities, he obtained of the king a guard of two hundred men. As ſoon as the prelates had taken their ſeats, he ordered certain canons to be read, which were brought from Rome ready prepared, according to the new method. When the canons againſt pluraliſts came to be read, Walter de Cantilupe biſhop of Wincheſter, and ſome other prelates ſtrenuouſly oppoſed it, and even proteſted againſt it. This oppoſition obliged the legate to declare, that the canon ſhould be in force only during his legateſhip. However, it was no ſooner paſſed upon that condition, but an eccleſiaſtic in the legate's retinue, read aloud a decretal epiſtle of the pope, by which it was ordained that this canon ſhould be perpetually binding.

The IId ſtates the number of the ſacraments, and reckons them ſeven [g].

The IIId fixes the eves of Eaſter and Whitſunday for the adminiſtration of baptiſm; and as ſome people ſcrupled to baptize their children on theſe days, their ſcruples were condemned.

The XXIIId enjoins the clergy to live on their benefices at leaſt the beſt part of the year. This canon was abſolutely neceſſary at that time: as the pope diſpenſed with the reſidence of the Italians who poſſeſſed a great number of benefices in England, if the Engliſh had not been obliged to reſide, the churches would have been quite forſaken.

e T. Wikes ſays it was in Oſney monaſtery, near Oxford, p. 39.

f He was tied to a ſtake and burnt; whereas the impoſtor was condemned to perpetual impriſonment, and to be fed with nothing but bread and water. T. Wikes.

g Namely, baptiſm, confirmation, penance, the euchariſt, extreme unction, [illegible], and orders.

In

In 1239, was held at London a council, which plainly refuſed the legate the money demanded to defray the expences of his legateſhip.

The next year, the ſame legate aſſembled another ſynod, where he demanded for the pope the fifth part of the revenues of the clergy, but could not prevail.

All the reſt of the councils, from 1240 to 1264, were only to demand money of the clergy.

During the barons wars, were aſſembled two councils: the firſt at Reading, where was confirmed the appeal brought by the barons, from the proceedings of the legate then at Bologne. In the ſecond, held at Northampton in 1266, Othobon the legate excommunicated all clergymen engaged in the earl of Leiceſter's party. Synods at Reading and Northampton. T. Wikes.

In 1268 [h], the ſame legate convened a national council, wherein were publiſhed certain conſtitutions from Rome, ſome whereof are ſtill part of the canon-law of the Engliſh church. As ſeveral of theſe conſtitutions tended to leſſen the power and juriſdiction of the biſhops, ſtrong oppoſition was made againſt them, which obliged the legate to prorogue the aſſembly till next day. He ſo wiſely improved this ſhort interval, that gaining, either by promiſes or threats, ſuch as appeared moſt averſe, on the morrow he met with no farther oppoſition. This was the manner of holding councils in thoſe days. Councils at St. Paul's. M. Weſtm. p. 400. T. Wikes. p. 85.

The Iſt of theſe conſtitutions allows laymen to adminiſter baptiſm in caſe of neceſſity. Conſtitutions brought from Rome.

The ſecond forbids prieſts to take money for adminiſtring the ſacraments, and preſcribes theſe words in giving abſolution, "I abſolve thee from all thy ſins;" or, "By the authority committed unto me, I abſolve thee," etc. Hence it may be inferred, that there were ſtill ſome prieſts who ſcrupled to pronounce the abſolution, and were contented with a bare declaration.

The IXth enjoins reſidence to vicars.

The XIIIth confirms the privilege of ſanctuary to churches.

The XIVth ordains the ſolemnizing of marriage in public.

The XXth is againſt commutation in lieu of penance.

The XXIIId provides againſt alienating any part of the tythes from the parochial clergy. This conſtitution particularly concerned the monks, to whom ſuch alienations were daily appropriated.

[h] Spelman places this council in the year 1248.

The XXXth is againſt pluraliſts.

Original of Commendams.

The XXXIſt forbids the giving benefices in Commendam, and declares a benefice, held in that manner, vacant. This cuſtom, which was become much in vogue, ow'd its original to the perſecutions to which the church was expoſed, whilſt the northern nations were over-running the weſtern empire.

Paul Hiſt. of the Inquiſ. of Ven.

When by the fury of the wars, the prieſts and biſhops themſelves were forced to fly, the principal prelates of the province appointed prieſts to officiate in the vacant benefices, till the paſtor could reſume the care of his flock. This cuſtom at length was abuſed in a manner very prejudicial to the church. After peace was reſtored, ſuch prieſts as were not the true paſtors, and were ſtiled commendatories, were however continued in the benefices. For that reaſon ſeveral councils endeavoured to reform this abuſe, by decreeing, that thoſe who held benefices in Commendam ſhould not receive the profits, or officiate as paſtors above ſix months. But the popes, pretending to be above the canons, continued to diſpoſe of the benefices in Commendam for term of life.

The XXXIId canon decrees, that before a biſhop was conſecrated, ſtrict enquiry ſhould be made, whether he held more livings than one, without a diſpenſation, and whether the diſpenſation was authentic and in form?

The XXXIVth declares void all previous contracts between patrons and perſons preſented to benefices.

Theſe are the principal councils held in England, from the beginning of the reign of Henry II, to the end of that of Henry III, that is, during the ſpace of ſix ſcore years. After having obſerved the manner of making the canons, it will be neceſſary to add another remark on that ſubject. It happened very often, that in order to paſs a canon, which was like to meet with ſtrong oppoſition, it was inſerted, among many others of great uſe. This was done, that the oppoſers might be accuſed of obſtructing the beſt regulations. This artifice was not only practiſed in councils but likewiſe in parliaments, when to paſs certain bills, others of abſolute neceſſity were tacked to them. However, it has met from time to time with ſuch ſtrong oppoſition, that it has not been able hitherto to grow into cuſtom.

Artifice to get certain canons veiled.

What has been obſerved in theſe councils, concerning the celibacy of the clergy, is a clear evidence, that it was not yet univerſally eſtabliſhed, though it is pretended that Anſelm accompliſhed it in the reign of Henry I. This evidence may be farther ſupported by facts. Long after Anſelm, Richard, a biſhop of Lichfield, was ſon of Robert biſhop of Cheſter;

upon which an hiſtorian remarks, that in thoſe days, the being ſon to a prieſt was no obſtacle to promotions in the church. The ſame hiſtorian relates, that the pope complaining, that the biſhop elect of Ely was not come to Rome for his confirmation, the Engliſh ambaſſador merrily replied, The prelate had a very lawful excuſe, taken from the holy ſcriptures, for "He had juſt married a wife." We ſee alſo in Baronius's Annals, that a legate ſent by pope Innocent III. into Poland to eſtabliſh the celibacy of the clergy, did at laſt carry his point; but attempting to do the ſame thing in Bohemia, he was in danger of his life.

There was another article, of no leſs importance to the popes, and which they puſhed as vigorouſly as that of celibacy. This was to give to their ordinances or decretals the ſame authority as to the canons of the councils. In 1150, Gratian publiſhed a collection of decretals, containing all the ordinances of the popes to that time, that it might ſerve for a rule in the adminiſtration of eccleſiaſtical juſtice. To this collection were added afterwards, ſeveral decrees in order to compoſe a complete body of the canon-law. Raymond de Pegnoford, penitentiary to Gregory IX, was ordered, to collect theſe decrees, which were publiſh'd in 1230, and intitled, The ſecond Part of the Canon-law. He annexed ſome conſtitutions of the councils, and reſolutions of the doctors, ſince the year 1250, where the ſecond part began. This laſt collection was not only a ſupplement to the old canon-law, but even altered it in ſeveral articles. For inſtance, it is determined, that baſtards ſhould not be capable of eccleſiaſtical preferments, without the pope's diſpenſation. By this addition, "without the pope's diſpenſation," the court of Rome aſſumed indirectly, the power of favouring baſtards, when it ſhould be thought proper, contrary to the antient conſtitutions of the councils. That court could never have a better opportunity to publiſh the decretals, ſince its power was now at the utmoſt height. There was neither ſubject nor prince that dared to oppoſe the will of the popes, when they ſpoke with an abſolute tone. And therefore, without finding much reſiſtance, they enacted as a law, whatever they pleaſed to decree, even though directly contrary to the laws then in force. For example, as to the caſe of baſtards, the laws of England conſider'd as illegitimate, children born before marriage, notwithſtanding their parents were afterwards married; but the canon-law decreed the contrary; on which there were great conteſts in the parliament of Merton in 1236[1].

Pope's decretals.

The

[1] In the ſtatute of Merton, chap. IX. it is declared, that whoever is born before marriage is a baſtard. Upon this the biſhops replied, that it was contrary

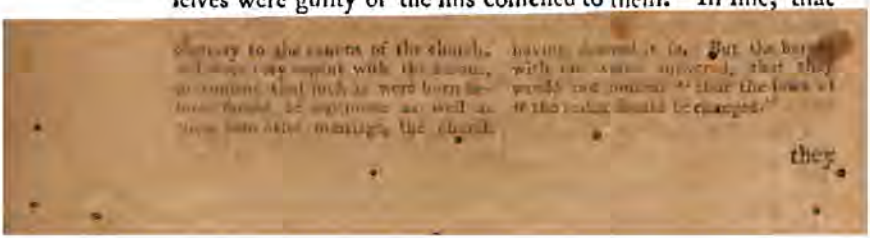
Religious orders.

The Roman pontiffs were no ſooner become abſolute monarchs in the church, but great numbers of religious orders aroſe, which were as a ſtanding army, to ſupport the grandeur and power of the popes. The council of Lateran endeavoured to prevent this abuſe, by expreſly forbidding the inſtitution of any new order of monks. But that did not hinder Dominic de Guzman a Spaniard, who had long preached againſt the Albigenſes, from forming the project of a new order, under the name of Predicant Friars, of which he petitioned for pope Innocent's confirmation. The pope, on account of the prohibition of the Lateran council, ſcrupled at firſt to conſent to that eſtabliſhment: but, if we may believe the hiſtorians of that order, he was told, by a heavenly viſion, that he could do nothing more ſerviceable to the church. However, it was Honorius his ſucceſſor that confirmed this new order, by the name of Predicant Friars, becauſe the deſign of their inſtitution was to preach againſt heretics. They were likewiſe called Dominicans, from their founder, and in France, Jacobins, from their firſt ſettlement in St. James's ſtreet in Paris. The court of the inquiſition was committed to the Dominicans, which render'd them famous for their cruelties upon the pretended heretics, of whom that court is judge. They ſettled in England in 1317, ſhortly after their inſtitution.

Dominicans. Hoved. p. 573, &c.

Franciſcans.

The order of Franciſcans, founded by Francis de Aſſiſi, quickly followed the Dominicans. Innocent III. approved of it in 1215, but did not authenticly confirm it. It was Honorius III. that eſtabliſhed it by a bull in 1223, and the next year this order ſettled in England. The religious, who embraced this rule, took, out of modeſty, the name of Minors, or Minorites, and though in time, they were divided into ſeveral ſocieties, they all acknowledged Francis d' Aſſiſi for their head and founder. By their rule, they were not to preach, or take confeſſions in any dioceſe, without expreſs leave from the biſhop. But this article was not long obſerved by them. They repreſented to the pope, that chriſtians were aſhamed to confeſs themſelves to their own paſtors. That many ſcrupled to do it, becauſe the pariſh-prieſts themſelves were guilty of the ſins confeſſed to them. In fine, that



they

they had not the diſcretion to be ſecret. Upon this foundation, they deſire for that part of their rule, a diſpenſation, which was readily granted them.

The Dominicans and Franciſcans acquired ſo great a character for holineſs among the people, that there were but few perſons, that had not one of theſe fryers for director. Conſequently, the alms they received were very conſiderable. They had moreover another advantage, in that, for a long ſpace, almoſt all the popes were choſen out of one or other of theſe orders. So by their credit at the court of Rome, they obtained very often grants of what belonged to other orders, under colour that it was neceſſary for their ſubſiſtence. On the other hand, they amaſs'd immenſe riches, as well by the voluntary gifts of the living, as by the legacies and grants extorted from the dying, by making them believe, nothing could contribute more to their eternal ſalvation. Mean time, as theſe two orders laboured with equal ardour to ingroſs the benefactions of the devout, and thereby became rivals to one another, a jealouſy aroſe between them, which was ſoon followed by a moſt ſcandalous quarrel, that was not eaſily ended.

Progreſs of theſe two orders.

Rupture between them.

In a council at Rocheſter, in 1244, a new order of fryers, called Croſs-Bearers, appeared and demanded leave to ſettle in England. Theſe produced a bull from the pope, forbidding all perſons to reproach them, and empowering them to excommunicate thoſe, that ſhould dare to violate this privilege. The ſynod not thinking proper to grant their petition, they were ſent away, on pretence, that the licenſing them was a direct breach upon the canons of the late council of Lateran.

Croſs bearers ſent out of England.

I ſhall cloſe this abſtract of the ſtate of the church, with ſome remarks on the celebrated eccleſiaſtics of thoſe days.

Johannes Sariſburienſis, native, and not biſhop of Saliſbury, as ſome have affirmed, was one of the ornaments of the church of England, for learning, politeneſs, and regularity of life. He was very intimate with Adrian IV. who uſed to complain to him of the weight of the papal crown. However, the bull which this pope gratified Henry II. with, on account of the conqueſt of Ireland, ſeems to ſhew, he was not the moſt ſcrupulous. John de Saliſbury, who adhered to Becket, and followed him into France, procured by his means the biſhopric of Chartres. He wrote the Polycraticon, or de Nugis Curialium; a collection of letters; and ſeveral other inconſiderable tracts. He died in 1181, or 1182.

John de Saliſbury. Gervas. p. 1434.

I ſhall ſay nothing here of Thomas Becket, or of Stephen

Langton, archbiſhops of Canterbury, having ſufficiently ſpoken of them elſewhere [k].

Baldwin of Canterbury. Gervas. Hoved.

Baldwin archbiſhop of Canterbury, who attended Richard to the Holy Land, where he died, paſſed for a good divine. Some of his works, ſtill extant, ſhew this reputation not to be groundleſs. His great conteſt with the monks of St. Auguſtin, who were grown very inſolent, put him upon founding a ſociety of regular canons [l], near Canterbury [m], with deſign to transfer to them by degrees the privileges of the monaſtery of St. Auguſtin. But the monks, having early knowledge of his intent, made ſuch an intereſt at the court of Rome, that the archbiſhop was forced to deſiſt from his project.

Hugh of Lincoln.

Hugh biſhop of Lincoln, a native of Grenoble, was one of the moſt illuſtrious prelates of the church of England, in the reigns of Richard I. and king John. His virtue gained him great reverence from the people of his dioceſe, who were terribly afraid of being excommunicated by him, becauſe they obſerved, as they imagined, that thoſe who lay under his cenſures, ſeldom failed of being viſited with ſome worldly calamity. It is related, as an inſtance of his zeal and reſolution, that by his own authority, he ordered to be removed out of the church of Godſtow in Oxfordſhire, the tomb of Roſamond, miſtreſs to Henry II. which ſtood in the middle of the quire, hung with black velvet, and wax tapers about it. Though he was told, the tomb was placed there by the king's order, he thought it ought not to be ſuffered, ſaying, it was a ſhameful thing, that the tomb of ſuch a woman ſhould ſtand in ſo honorable a place. This biſhop dying with the reputation of a ſaint, was canonized by Honorius III. in 1221.

Brompt. c. 1235. Hoved. p. 712.

Alexander Cementarius. M. Weſt.

During king John's conteſt with the pope, Alexander Cementarius a clergyman, who had been profeſſor of divinity at the univerſity of Paris, publicly preached, that the pope had not power to deprive kings of their crown. This freedom drew on him the indignation of the court of Rome, who reduced him at length to the neceſſity of begging his

[k] It was Becket that appointed Trinity-Sunday. Gervas.

[l] Hoveden ſays, prebendaries. p. 639.

[m] At Harkington, about half a mile from Canterbury. He had proceeded ſo far as to build a magnificent church, but was forced to demoliſh it. The foundation was to be in honour of Becket, and the ſecret project was, to draw the election of the archbiſhop from St. Auguſtin's to this convent. Matters were adjuſted between him and the priory of St. Auguſtine, in November 1224. But he built a church at Langdon, and therein placed the prebendaries he intended for his monaſtery at Harkington. Hoved.

bread

bread from door to door. Matthew Paris inveighs againſt the errors of this doctor, though no one ſeemed more convinced than himſelf of the pope's abuſe of his power, as he has plainly ſhewn in his hiſtory. p. 228, 229.

Walter de Gray, archbiſhop of York, was more famous as a ſtateſman, than as a biſhop. His ſucceſſors were inriched by his bounty in purchaſing the manor of Thorp, and annexing it to his ſee. He built likewiſe at London a ſtately palace, which went by the name of York-Place; but was afterwards called White-Hall [n]. Unfortunately, this houſe, which was for many years a palace-royal, was ſome time ſince burnt down to the ground. Walter of York.

Edmund, who, from a canon of Saliſbury, was promoted to the archiepiſcopal ſee of Canterbury, after the pope had annulled three elections to make room for him, was very commendable for his moderation and regular life [o]. He would have been glad to ſee the pope's power, which was then at the higheſt, reduced within due bounds. But perceiving, as matters ſtood, ſuch an attempt muſt have proved unſucceſsful, he choſe rather to give way to the torrent, than withſtand ſo formidable a power, ſupported moreover by the king's authority. However, to avoid the blame of a baſe compliance, he retired into France, to the monaſtery of Pontigny, where his auſterities ſhortened his days. He was canonized by pope Innocent IV. in 1216. Edmund of Durham. M. Paris.

Richard Poor, biſhop of Saliſbury, and afterwards of Durham, is remarkable upon two accounts. Whilſt he was biſhop of Sarum, he perſuaded the inhabitants to remove to a more advantageous ſituation, where Saliſbury now ſtands. Here he laid the foundation of a ſtately church, which was not finiſhed till thirty years after, and remains to this day. The ſecond thing which rendered this prelate famous, was his ſynodical conſtitutions for the uſe of the church of Saliſbury. They are in all eighty ſeven, of which I ſhall mention only the XVth, which forbids the prieſts to take money for ſaying maſs, and the XXXIVth, whereby it plainly appears, that the laity communicated at that time in both kinds. Richard Poor of Durham. M. Paris.

Alexander Hales, born in Glocesterſhire, a great canoniſt, and ſtiled the Irrefragable Doctor, was profeſſor of divinity in Alexander Hales.

[n] This houſe is ſaid to be firſt built by Hugo de Burgh, earl of Kent, and given to the Dominicans, of whom the archbiſhop bought it. When cardinal Wolſey fell, Henry VIII. ſeized and made a palace-royal of it.

[o] He was born at Abington in Berkſhire. His father's name was Reynald le Rich, and his mother Mabel was reputed a ſaint. He founded a ſchool in Oxford, and bred up under him many great ſcholars. Hiſt. & Antiq. of Oxf.

the univerſity of Paris. Among his other works, he compoſed ſhort notes on the Bible, and a commentary [in four books] upon the Maſter of the Sentences; where, as the learned Du Pin obſerves, he diſcovers more ſkill in logic and metaphyſics than in the antiquities of the church.

Sewald of York. M. Paris.

Sewald, archbiſhop of York, was an able divine, and of an unblameable life. He took pattern by Edmund archbiſhop of Canterbury, his maſter. He was ſo angry at the frequent exactions of the court of Rome, that he could not forbear writing a ſharp remonſtrance to pope Alexander IV. upon that ſubject. Amongſt other things he told him, when Chriſt commiſſioned St. Peter to feed his ſheep, he did not give him authority to flea them. This freedom, with his refuſal to admit certain Italians, who came with proviſions from the court of Rome, drew on him the diſpleaſure of Alexander, who at length excommunicated him. The archbiſhop upon his death-bed, complained of the pope's injuſtice, appealing to Heaven. Matthew Paris doubtleſs did not believe, this excommunication deprived Sewald of eternal ſalvation, ſince he affirms, this prelate wrought a miracle in his laſt ſickneſs.

Kilwarby of Canterbury. W. Rith.

Robert Kilwarby, archbiſhop of Canterbury, was a very learned prelate for that age. His merit raiſing him to the dignity of cardinal, he reſigned his archbiſhopric to live at Rome.

Groſt ſt of Lincoln. M. Paris.

I ſhall conclude what I have to ſay, concerning the moſt noted eccleſiaſtics of thoſe days, with an account of one of the moſt eminent, I mean, Groſteſt biſhop of Lincoln. As there are ſeveral curious particulars about him, I ſhall ſpeak more fully of him than of the reſt.

Groſteſt was a prelate of reſolution and courage, neither to be gained by court-favours, nor frightned by the pope's menaces; rocks which few eccleſiaſtics, in thoſe days, knew how to avoid. He, being wholly intent upon following what appeared to him reaſonable and juſt, without being ſwayed by any conſideration, little regarded the circumſtances of the times, or the quality of perſons; and oppoſed equally, the king's will, and the pope's pleaſure, according as it happened. By this ſteddineſs he acquired a great reputation among the people, long accuſtomed to ſee the biſhops ſtoop to the king or the pope. It chanced one day, that he excommunicated the ſheriff, for refuſing to impriſon an excommunicated perſon [p], who contemned the church's cen-

M. Paris.

[p] One Ralph a clergyman, whom he had deprived for incontinence, and afterwards excommunicated, for refuſing to ſubmit to the ſentence. The ſheriff was Ralph's friend.

ſures.

ſures. Henry III. very angry with the biſhop, for not applying to him, to oblige the ſheriff to execute the canons, addreſſed the pope, to ſupport his authority; a remedy worſe than the diſeaſe.

This affair obliged Groſteſt to take a journey to Rome, where he was confirmed in his ill opinion of the papal court. He could not ſee without indignation and concern, the beſt preferments in the kingdom beſtowed on Italians, who neither reſided on their benefices, nor underſtood Engliſh. His grief to behold the church's revenues devoured by theſe harpies, cauſing him to refuſe to inſtitute an Italian to one of the beſt livings of his dioceſe, he was preſently after ſuſpended. But, regardleſs of the cenſure, he continued his epiſcopal functions, his flock being no more ſcrupulous than himſelf. He even refuſed, at that very time, to admit of new proviſions from the pope in favour of other Italians. He declared, that to entruſt the cure of ſouls to ſuch paſtors, was to act in the name of the devil rather than by the authority of God. p. 816.

The court of Rome was unwilling then to make any noiſe, for fear of turning againſt her the whole clergy of England, from whom ſhe reaped a plentiful harveſt. For this reaſon, the pope thought it beſt to connive at the diſobedience of the prelate, who was of known reſolution, and in great repute with the people. He choſe rather to try to win him by fair means, in giving him a teſtimony of his eſteem, by a commiſſion to reform certain abuſes crept into the monaſteries. Notwithſtanding this, Groſteſt ſoon after touched the pope in a very ſenſible part, by computing the yearly ſums drawn by the beneficed Italians out of England. Innocent IV. ſat then in the papal chair. He had been ſo uſed to treat the Engliſh with haughtineſs, that he could not hear of the biſhop's proceedings without being extremely provoked. But as he durſt not attack him upon that account, becauſe what he had done was univerſally approved, he fell upon him for refuſing to admit his proviſions, and ſent him a menacing letter, which would have frightened any but him. Groſteſt returned the perſon, that was ordered to ſend him the letter with certain inſtructions [1], a very bold anſwer, of which the reader will not be diſpleaſed to ſee the following extract. M. Paris.

"I deſire your prudence to take notice, that I am always M. Paris.
"ready to obey the apoſtolical inſtructions, and declare my-

[1] Matthew Paris mentions not the contents of the letter, but only takes notice in general, that the biſhop looked upon the inſtructions the pope had ſent him, to be unreaſonable, as they really were, ſays our author.

" ſelf an enemy to whatever is repugnant thereto. For to " both theſe things, I am bound by the command of God. " To apply this: the apoſtolical inſtruction [r] muſt of neceſ- " ſity be agreeable to the doctrine of the apoſtles, and of our " Saviour Jeſus Chriſt, who is principally repreſented by the " pope. Since Jeſus Chriſt has declared, He that is not with " me is againſt me, the ſanctity of the apoſtolic ſee is ſuch, " that it can never appear in oppoſition to our Lord. From " hence it plainly follows, that the letter in queſtion [s], is " directly oppoſite to an apoſtolical character. Firſt, becauſe " of the clauſe Non-obſtante, ſo frequently made uſe of now- " a-days, which has nothing of natural equity in it. On " the contrary, it is certain it introduces a deluge of miſ- " chief, as it gives occaſion to a great deal of inconſtancy " and breach of faith. It ſhakes the foundations of mutual " truſt, and makes language and writings of no force or ſig- " nificancy. In fine, it cannot be, but that the purity of " religion, and the peace of ſociety, muſt ſuffer extremely by " ſuch a ſtretch of apoſtolical authority. In the ſecond place, " next to the ſins of lucifer and antichriſt, there cannot be a " greater defection, or which carries with it a more direct " oppoſition to the doctrine of our Saviour and his apoſtles, " than to deſtroy ſouls, by depriving them of the paſtoral " office. And yet it is evident, that thoſe are guilty of this " ſin, who undertake the ſacerdotal function, and receive the " profits without diſcharging the duty. For in the ſcripture- " account, the paſtor who neglects his flock, is a downright " murderer of the ſheep. Can one help therefore conſider- " ing as a moſt flagrant crime, a conduct which tends ſo " ſtrongly to the deſtruction of truth and virtue, and the " happineſs of mankind? If in moral productions, the cauſe " of good is better than the effect, it is juſt the contrary in " the propagation of vice, the ſource and original whereof " are worſe than the diſorder that flows from them. It is " manifeſt therefore, that thoſe who bring ſuch unqualified " perſons into the church, and by that means deſtroy the " hierarchy, are moſt to blame; and their crime riſes in pro- " portion to the height of their ſtation. From hence I con- " clude, that the apoſtolical ſee, which has received ſo full " an authority from our Saviour, for edification, and not for " deſtruction, ought not to countenance, much leſs to com- " mand, ſo horrid and pernicious a prevarication. To at-

[r] By which are meant the pope's order.

[s] Meaning the pope's brief.

" tempt

" tempt any thing of this kind, would be a notorious abuſe, " if not a forfeiture of her authority. It would be in effect, " to ſtray far from the throne of glory, and to repreſent very " ill the perſon of our Saviour. Such perſons may be ſaid " rather to be placed in the chair of peſtilence, and to ſit " upon the bench with the devil and antichriſt. Neither " can any Chriſtian, who deſires to continue in the commu- " nion of the church, and pays a due regard to the apoſtolic " ſee, obey any commands of this kind, though impoſed by " an angel from heaven. On the contrary, he ought to re- " bel, if I may ſo ſay, againſt the order, and oppoſe it to the " utmoſt of his power. For theſe reaſons, ſince the inſtruc- " tions above-mentioned are ſo plain a contradiction to the " catholic faith, and the ſanctity of the apoſtolic ſee, my duty " obliges me to refuſe them, and not to comply out of defe- " rence to the p rſon by whom they are ſent. Neither can " your prudence juſtly put any hardſhip upon me, becauſe, " properly ſpeaking, my refuſal ought not to be looked upon " as a contumacy, but rather as a filial reſpect. For, to ſum " up all in a word, the apoſtolical ſee has its commiſſion only " for edification, and not for deſtruction, and the plenitude " of its power ought not to extend beyond what relates to " edification. But theſe proviſions, as they are called, have " a manifeſt tendency to deſtruction. Therefore, the holy " ſee can by no means allow ſuch a liberty: for, to conclude, " theſe practices are revealed by fleſh and blood, which can- " not inherit the kingdom of heaven, and not by the father " of our Lord Jeſus Chriſt."

This letter put Innocent into a terrible rage: " What! Id. p. 8. " ſays he, has this old dotard the confidence to cenſure my " conduct! By St. Peter and St. Paul, I will make him ſuch " an example, that the world ſhall ſtand amazed at his puniſh- " ment[t]." His paſſion, however, was moderated by the cardinals, who repreſented to him the ill conſequences of too great a ſeverity: that the noiſe he ſhould make on this occaſion, would be prejudicial to the holy ſee, ſince it would infallibly cauſe the Engliſh to examine the motives: that it was to be feared, that in their preſent diſpoſitions to the holy ſee, and to the biſhop of Lincoln, they would think it very

t " For, continues the pope, is not " his ſovereign, the king of England, " our vaſſal? Nay, is he not our ſlave? " It is but therefore ſignifying our plea- " ſure to the Engliſh court, and this an- " tiquated prelate will be immediately " impriſoned, and put to what further " diſgrace we ſhall think fit." M. Paris, p. 872.

ſtrange

ſtrange that a prelate of ſo eſtabliſhed a reputation, ſhould be treated with ſuch rigour: that, on the contrary, there was a neceſſity of carefully avoiding the giving them occaſion to examine what he alledged to juſtify his non-compliance; and therefore it was moſt adviſable to take no notice of the inſolent letter. Though theſe remonſtrances moderated the effects of the pope's fury, they were not however ſufficient to appeaſe him entirely. The Annals of Lanercoſt inform us, the biſhop was excommunicated a little before his death, and, without regarding the cenſure, appealed to the court of heaven. This is farther confirmed by the report of ſeveral hiſtorians, who ſay, that Innocent moved in the conclave, that the body of Groſteſt ſhould be taken up and buried in the high-way, but that the cardinals conſented not to it. Be this as it will, if he was excommunicated, he did not regard it, but continued to diſcharge his functions; neither were the clergy of his dioceſe more ſcrupulous than their biſhop, and obeyed him till the day of his death. The biſhops his brethren, and the monks themſelves, though ſtrongly attached to the pope, were not more apt to believe this excommunication had produced any great effect. Some, who were preſent at his death, affirmed, they were entertained with divine muſic in the air over the houſe where he died. We find likewiſe, that in the pontificate of Clement V. the dean and chapter of St. Paul petitioned very earneſtly for the canonization of Groſteſt, on account of ſeveral miracles wrought by him after his death. But as he was not of that ſort of ſaints wherewith the court of Rome filled the callender, their petition was rejected. An inſtance of a biſhop dying under the ſentence of excommunication, and yet paſſing for a ſaint in the country where he lived, is a difficulty which muſt be left to be cleared by thoſe whom it concerns. I ſhall only relate one circumſtance more, which, if not true, is at leaſt a proof of the great opinion of this prelate's ſanctity. An hiſtorian reports, that Groſteſt, a little after his death, appeared in his robes to Innocent IV. and ſtriking him on the ſide with his croſier, gave him a ſevere reprimand. He adds, that the pope was ſo frightened at the apparition, that he continued two days without eating. I have nothing to ſay concerning the truth of this relation, but only infer from it, that though the biſhop died excommunicated by the pope, and in ſentiments very oppoſite to thoſe of the court of Rome, the hiſtorian however ſhows by this circumſtance, that he believed him glorified in heaven.

Ang. Sacr.

M. Paris. P. 876.

Angl. Sacr. P. ii. p. 343.

M. Paris.

Groſteſt

Groſteſt[u] wrote ſeveral tracts. Among other performances he tranſlated from the Greek into Latin, The Teſtament of the twelve Patriarchs, a copy of which John de Baſingſtoke, who met with it at Athens, put into his hands. As to the time when the original was written, it is uncertain. Dr. Cave aſſigns it to the latter end of the ſecond century. Dodwell places it in the firſt, and ſome others believe it was compoſed by ſome Jew before our Saviour's death[w]. M. Paris. Grabe.

[u] He was born at Stodbrooke in Suffolk; and died October 8, 1253. M. Paris.

[w] As to the hiſtorians who lived in theſe four reigns, the moſt noted are:

Simeon of Durham, a monk and precentor of the church of Durham, in the year 1164, one of the moſt learned men of his age. He wrote, beſides other things, two books, de Geſtis Regum, which are not his maſter-pieces, being only a few indigeſted collections, chiefly out of Florence of Worceſter, whoſe very words he frequently copies. He begins where Bede left off, and goes as far as the 29th of Henry I. 1129. He is one of the X Scriptores, publiſhed 1652, at London.

Henry archdeacon of Huntingdon, flouriſhed about the ſame time; whoſe eight books, concluding with the reign of king Stephen, were publiſhed by Sir Henry Savil. He is a follower of Bede, and has borrowed a great many lies from Jeoffrey of Monmouth. He writes confuſedly, and reduces the tranſactions of the Heptarchy to the ſeveral reigns of the Weſt-Saxon kings, but has not adjuſted them ſo well as he ought to have done.

William of Newburgh, ſo called from a monaſtery in Yorkſhire, whereof he was member. His hiſtory begins at the Conqueſt, and ends at the year 1197. He was a violent perſecutor of Jeoffrey of Monmouth. His Latin ſtile is preferred to that of Matt. Paris, and equalled with thoſe of Eadmer and Malmſbury by Dr. Wats.

Gervaſe, a monk of Canterbury, wrote a chronicle of the reigns of Stephen, Henry II. and Richard I. with judgment enough, ſays biſhop Nicolſon. It was publiſhed among the X Scriptores. Lond. 1652.

Roger de Hoveden, chaplain ſome time to Henry II. He is charged with borrowing from Simeon of Durham, without acknowleging it; but, as biſhop Nicolſon obſerves, if he did, he has improved his ſtory, adding years to many things confuſedly related in that author. There are in his book many letters, ſpeeches, &c. relating to eccleſiaſtical matters. He was cotemporary with Gervaſe, 1201. His hiſtory was publiſhed by Sir Henry Savil. Franef. 1601.

Ralph de Diceto, dean of London. He wrote about the year 1210. His Abbreviationes Chronicorum contain an abſtract of our hiſtory down to the Conqueſt; and his Imagines Hiſtoriarum give the portraitures of ſome of our kings more at length, ending with the firſt years of king John's reign. Mr. Selden praiſes this author and his works, though biſhop Nicolſon ſays, he uſually copied verbatim out of other writers. He is among the X Scriptores.

Walter, a monk of Coventry, a clear and faithful writer. He lived in Coventry in 1217. He has ſome few things of note not to be met with in Jeoffrey of Monmouth, Hoveden, and Huntingdon, in his three books of Chronicles, which are chiefly collections from the ſaid authors.

Matthew Paris, a monk of St. Albans, one of the moſt renowned hiſtorians of this kingdom. His Hiſtoria Major contains the Annals at large of eight of our kings, from William the Conqueror to Henry III. It was firſt publiſhed at London 1571, and reprinted with additions of various readings, &c by Dr. Wats. London 1640, and ſince 1685. From the year 1259, wherein Matt. Paris died, to Henry III's death, it was continued by William Riſhanger, a monk of the ſame fraternity.

nity. The whole work manifeſts a great deal of candour and exactneſs in the author, who tells us ſo particularly of the brave repulſes given by many of our princes to the uſurpations of the Roman ſee, that it is a wonder how ſuch an heretical hiſtory came to ſurvive thus long. A fair copy of this hiſtory, ſuppoſed to be written by the author's own hand, is in the king's library at St. James's. He wrote an abſtract of his hiſtory, which Lambard ſtiles his Hiſtoria Minor, having in it ſeveral particulars of note omitted in his Hiſtoria Major. It is pretended, that Paris had but a ſmall hand in the whole hiſtory, having begun only at the year 1135, the reſt being done to his hand by one Roger de Windleſhore, or Windſor, (or de Wendover Prior de Bealvair, as it is in the MS copy in Cotton's library) one of his predeceſſors in the ſame monaſtery.

THE

THE

HISTORY

OF

ENGLAND.

BOOK IX.

The Reigns of EDWARD I. *and* EDWARD II. *containing the Space of Thirty Five Years.*

9. EDWARD I. [a] ſirnamed LONG-SHANKS.

THE death of Henry III. happening during the abſence of his ſon Edward, who was to ſucceed him, ſeemed to offer the malecontents a favourable opportunity to raiſe new troubles. However it was not attended with any ill conſequence. Leiceſter's party was ſo humbled, that they were no longer able to look up. And though ſome reſtleſs perſons ſhould 1272. Edward I.

[a] This was in reality the fourth king of this name, there having been three Edwards in the time of the Saxons. For this reaſon, in the ſpeaking of this, and the two following Edwards, by the name of Edward I. II. III. it was uſual to add, "poſt Conqueſtum," after the Conqueſt; but by degrees that addition was omitted. Rapin.

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have made uſe of this juncture to diſturb the peace of the kingdom, the nation's good opinion of Edward, would have rendered their projects impracticable. This prince had ſhined with great luſtre, during the latter part of his father's reign. The victory of Eveſham, the reduction of the Ely rebels, and his clemency to them when reduced, were ſtill freſh in the memory of the Engliſh, and filled them with eſteem and admiration for his rare qualities. They did not doubt but he would employ all his talents, to reſtore the peace and tranquillity of the kingdom, which had received ſuch violent ſhocks in the two foregoing reigns. Inſtead therefore of being inclined to favour the malecontents, they ſhowed an extreme impatience to ſee their new ſovereign, placing on him alone all the hopes of their future happineſs. Though Edward was abſent, and not even heard of, all the barons, with one accord, ſwore fealty to him [b]. At the ſame time they writ him a very reſpectful and ſubmiſſive letter, inviting him to come with all ſpeed, and take poſſeſſion of the throne of his anceſtors. Mean while they aſſembled at London, to commit the regency of the kingdom to ſuch as ſhould be deemed the moſt capable. Their choice falling upon the archbiſhop of York, and the earls of Cornwal and Cheſter [c], the parliament, which met quickly after, confirmed all the meaſures taken for the preſervation of the peace of the kingdom.

The barons ſwore fealty to Edward though abſent. M. Weſt. An. Waverl. Walſingh.

1273. An. Waverl. The parliament was compoſed not only of the lords ſpiritual and temporal, but alſo of the knights of the ſhires, and repreſentatives of the principal cities and burroughs [d]. The ſame thing had been practiſed under the government of the earl of Leiceſter, during the late king's captivity: but theſe aſſemblies had not been convened by a lawful authority. I ſhall not ſtay to examine whether, before the time I am now ſpeaking of, the commons had a right to ſend repreſentatives to parliament: this is a point full of difficulties, and not yet thoroughly cleared. I ſhall only ſay, it cannot be denied, that they enjoyed this privilege in the reign of Edward I. and from thence forward to this day, have preſerved it without interruption.

[b] As ſoon as Henry was buried at Weſtminſter, John earl of Warren, Gilbert earl of Glocester, with the clergy and laity, went up to the high altar, and ſwore fealty to his ſon Edward, November 20. M. Weſt.

[c] Walter Giffard, archbiſhop of York; Edmund Plantagenet, earl of Cornwal, ſon to Richard, brother to the late king Henry III. and Gilbert de Clare, earl of Glocester. M. Weſt.

[d] According to the Annals of Waverly, this parliament conſiſted of the archbiſhops, biſhops, earls, and barons, abbot, and priors, four knights from every ſhire, and four repreſentatives from each city.

Edward purſuing his voyage without knowing what paſſed in England, ſafely arrived in Sicily; where he was received by Charles of Anjou with all the reſpect due to his merit and rank. At Meſſina it was that he heard of his father's death, for whom he appeared more concerned than for his eldeſt ſon John, the news of whoſe death was brought at the ſame time. From Sicily he went to Rome, where he ſtayed ſome days to viſit the new pope, who was his particular friend, and had accompanied him to Paleſtine, in quality of legate[e]. After that, he took the road to France, and paſſed through Burgundy. As he had the reputation of being valiant and brave, the earl of Chalon, who valued himſelf upon the ſame qualities, deſired his preſence at a tournament, and even ſent him a ſort of challenge. Though a king of England might honourably decline entering the liſt with an earl of Chalon, Edward accepted his challenge without heſitation. He was apprehenſive, no doubt, of injuring his reputation, in caſe he refuſed it: neither could the pope's letter, which his holineſs ſent to divert him from his purpoſe, prevail with him. Some hiſtorians pretend the Burgundians did not uſe all the fair play requiſite on ſuch occaſions. They ſay the tournament was turned into a real fight, wherein the Engliſh had the advantage, and which was called, the Little Battle of Chalon.

Edward arrives in Sicily. M. Weſt. Walſing.

T. Wikes.

He is preſent at a tournament at Chalon. M. Weſt. Walſing. Heming.

As Edward paſſed through France, he thought he could not diſpenſe with paying a viſit to king Philip, who gave him a very honourable and civil reception, and received his homage for Guienne[f]. After that, Edward came to Bourdeaux, where the vaſſals of that dutchy did him homage. Some ſay, that Gaſton de Moncade, viſcount of Bearn, refuſing to do homage, was taken into cuſtody at Bourdeaux, where he was come to meet the king. But though it be true, that the viſcount promiſed not to leave the court of Edward without his conſent, it is certain his difference with the king concerned not the homage of Bearn. The Collection of the Public Acts evidently ſhows, that the diſpute was about another affair. It was decided at Limoges by Accurſius, a famous civilian then in the ſervice of the king.

He viſits the king of France, and from thence goes to Guienne. M. Weſt. Mezerai. Walſing.

Act. Pub. II. p. 132.

As ſoon as Edward had ſettled his affairs in Guienne, he came into England, where he was received with all poſſible demonſtrations of affection and reſpect, as having acquired freſh merit by his late expedition to Paleſtine. A few days

1274. He arrives in England, and is crowned. M. Weſt. T. Wikes. Ann. Waverl. Walſingh.

[e] The pope granted Edward, for three years, the tenths of all the clergy's revenues in England. T. Wikes.

[f] The form of the homage, according to M. Weſt. was thus, "My lord king, I do you homage for all the land which I ought to hold of you."

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after his arrival he was crowned, with Eleanor his queen, in preſence of Alexander III. king of Scotland, the duke of Bretagne, and all the peers of the realm. Hiſtorians ſay, that on occaſion of this ſolemnity, five hundred horſes were let looſe about the field, and were given to ſuch as could catch them.

He ſends commiſſioners into ſeveral counties. Pat. 2. Ed. I. M. 6.

The new king's firſt care, after his coronation, was to make ſtrict inquiry into the affairs of the kingdom [g]. To that purpoſe, he appointed commiſſioners in the ſeveral counties to take exact information concerning the fees held of the crown, and the ſtate they were in. They were likewiſe ordered to examine into, and puniſh the miſdemeanours of the magiſtrates, who for ſome time had abuſed thir authority in oppreſſing the ſubjects. This firſt ſtep produced a wonderful effect among the people. It was plain, the king intended to govern in a very different manner from his father and grandfather, and every one confidently expected the happy fruits of the maxims he was following, to procure himſelf a peaceable reign. It was abſolutely neceſſary for Edward to make himſelf eſteemed and feared by his ſubjects, that no domeſtic troubles might obſtruct the grand deſigns he was meditating.

He deſigns to chaſtiſe the prince of Wales.

The firſt, and that which chiefly poſſeſſed his thoughts, was the chaſtiſing Lewellyn prince of Wales. Lewellyn had plainly diſcovered, during the late troubles in England, how dangerous a neighbour he was, ſince he was ever ready to countenance the Engliſh malecontents. Had it not been for him, the earl of Leiceſter would never have riſen to that height of power; neither would the earl of Gloceſter have become ſo formidable, without his aſſiſtance. The conduct of Lewellyn on theſe and ſeveral other occaſions, had cauſed Edward to reſolve to put it out of his power to hurt him. But the then circumſtances of the times, and his voyage to the Holy Land, obliged him to defer the execution of his project. Lewellyn was not ignorant of it: he conſidered Edward as his greateſt enemy. But his precautions to ſcreen himſelf from his reſentment had a quite contrary effect, as they furniſhed the king with a pretence to attack him.

[g] He iſſued out writs of enquiry by the oaths of twelve legal men, to two commiſſioners in every county, to enquire, what his royalties, and the liberties and prerogatives of his crown were, who were his tenants in capite, and military ſervice, and how many, and what fees they held of him: of his tenants in antient demeſn, how they behaved themſelves, and in what condition their farms were: of ſheriffs, coroners, eſcheators, bailiffs, and their clerks, whether they had extorted money from any man, by reaſon of their office, had wronged any one, or received bribes for neglecting or being remiſs in their offices, &c. The whole enquiry containing thirty-four articles. Pate, 2. Edw. I. M. 6.

I have before obſerved, that old Lewellyn, grandfather to this prince, was become vaſſal and tributary to Henry III. and that his ſucceſſor did homage to that king for all Wales. Though the Welſh afterwards made ſome ſtruggles to throw off the yoke, even to the offering to ſubmit to the pope, they could never ſucceed. In ſpite of the troubles in England during the late reign, the crown continued to reckon, among her vaſſals, the prince of Wales. Immediately after the death of Henry III. and before the return of Edward, Lewellyn was ſummoned to appear and do homage to the abſent king [h], but he regarded not the ſummons. His refuſal was the cauſe that the new king, preſently after his arrival, ordered him to be ſummoned a ſecond time, to do homage, and aſſiſt at his coronation as vaſſal. Lewellyn found reaſons to be excuſed: he pretended, the Engliſh had not kept the late treaty of peace, and had committed on his frontiers ſeveral outrages, for which he demanded ſatisfaction. To remove this pretence, the king nominated commiſſioners to adjuſt all things, and withal ſummoned him again to appear and do homage. This third ſummons was no more regarded than the former. Mean while, Lewellyn being informed, the archbiſhop of Canterbury was going to excommunicate him, and put his territories under an interdict, writ to the pope to divert the blow. The means he uſed to gain the court of Rome were ſo effectual, that the pope forbid the archbiſhop to act againſt him, as long as he offered to do homage in his own country. Edward not being ſatisfied with theſe cavils, ſent him a peremptory ſummons, which the Welſh prince thought fit to obey. He ſtill inſiſted however upon the place, pretending, he was obliged to do homage only to the king in perſon, and on the borders of the two kingdoms. Edward readily conſented to this: but a ſudden illneſs ſeizing him as he was going to Shrewſbury, cauſed the homage to be deferred to another time. Afterwards Lewellyn repented of the advances he had made: and from thenceforward nothing could prevail with him to truſt himſelf in the hands of a monarch whom he looked upon as his ſworn enemy. After ſeveral fruitleſs ſummons, the king found at length, that a more effectual method muſt be taken. However, as he was willing to ſettle the affairs of the kingdom, before he made war upon his neighbours, he was contented with citing Lewellyn before the parliament, which was to meet the beginning of

1275. The reaſon of the war with Wales.

Act. Pub. II. 26. Brady's Ap. No 2.

T. Wikes, p. 101.

[h] A writ was directed, Novemb. 29, 1272, by Walter de Merton, then chancellor, to the abbots of Dore and Hagenham, to receive Lewellyn's oath of fealty. See Brady's Appendix, No 2.

the next year. The Welſh prince appeared not. He alledged in excuſe for his refuſal, that the king having ſhown on ſeveral occaſions an extreme animoſity to him, he could not truſt his perſon with his declared enemy. Nevertheleſs, he proteſted, he was ready to do him homage in his own country, if the king would ſend commiſſioners to receive it, or elſe in ſome third place, where he might be without danger. He offered moreover to come into the king's territories, provided he would give him the prince his eldeſt ſon in hoſtage, with the earl of Gloceſter, and the high-chancellor. So arrogant an anſwer ſerved only to confirm Edward in his reſolution. He diſſembled however, that he might not interrupt the ſeſſions of the parliament, which was employed in affairs of great importance; namely, in enacting excellent laws, for ſecuring the peace and liberties of the people, as well as the immunities of the church, and privileges of the clergy. They were called, The Statutes of Weſtminſter [i].

Act. Pub. ii. p. 68. Walſingh.

Statutes of Weſtminſter 1276.

When the parliament broke up, the king ſeriouſly thought of the war, which he was reſolved to carry into Wales, to puniſh the diſobedience of Lewellyn. Whilſt he was making preparations, ſome Briſtol men happened to take a veſſel, in which was one of the daughters of the late earl of Leiceſter, who was going to Lewellyn, to whom ſhe was contracted. The prince demanded his wife, and the king refuſing to ſend her, he perceived he was to expect a war. And indeed, as ſoon as Edward had taken all his meaſures, he convened the peers of the realm [k], who paſſed judgment upon Lewellyn, declaring him guilty of felony, upon which the war was proclaimed. Lewellyn was then ſorry, he had puſhed matters ſo far. To divert the impending ſtorm, he humbly ſued for peace, and withal, intreated the king to reſtore him his wife. Both his requeſts were denied, unleſs he would bind himſelf, to repair all the damages done to the borders of England, during the late wars; a condition, which he would not accept. The war therefore was begun, but was not very vigorouſly purſued the firſt campain.

Edward attacks the prince of Wales. Walſing. An. Waver.

[i] See them in Coke's 2d Inſtitute, p. 136, &c. This ſame year, about Oct. 6, another parliament was held at Weſtminſter, in which diverſe were made for reſtraining the exceſſive uſury exerciſed by the Jews; and it was alſo enacted, that they ſhould wear a ſcrip upon their clothes, in the ſhape of the two tables of Moſes' law.—This parliament granted the king a fifteenth upon the laity, by the common conſent of the archbiſhops, biſhops, earls, and barons. Ann. Waver.

[k] Or rather a parliament, at Weſtminſter, anno Eodem; to which the king gave directions for levying the fifteenth upon the clergy and laity; and alſo iſſued out his orders for the exact obſervance of the charters of liberties, and the charter of foreſts. Ann. Waver.

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In the beginning of the next ſpring, Edward aſſembling a great number of forces, put himſelf at the head of his army, and marched into the enemies country. He cauſed a very large way to be cut through a vaſt foreſt, opening by that means a paſſage to the very center of Wales. Before he proceeded, he built the caſtles of Flint and Rhudhlan [l], which ſecured him an entrance at all times, and a retreat in caſe of neceſſity. As the Welſh were not able to withſtand him, he advanced further, and drove them to the mountain of Snowdon, their uſual refuge, when purſued by the Engliſh. At the ſame time his fleet attacked the iſle of Angleſey, which made but a faint reſiſtance. 1277. Edward preſſes Lewellyn. An. Waverl.

Lewellyn finding himſelf unable to oppoſe ſo formidable an enemy, was obliged humbly to ſue for peace, which was granted, but on very hard terms. He was forced to promiſe to pay fifty thouſand pounds ſterling, for the expences of the war. Moreover, Edward reſtoring to him the iſle of Angleſey, it was agreed, that for the future, he ſhould hold it of the crown of England, paying yearly a thouſand marks. He promiſed likewiſe to give entire ſatisfaction to his brother David, who had fled for refuge to the king, and delivered hoſtages for the performance of his word. The haughtineſs of the prince of Wales being tamed by ſo mortifying a treaty, Edward was contented for once with the honour of the victory. He generouſly reſtored the hoſtages, and forgave him the ſums he was bound to pay. However, he cauſed a grant of the iſle of Angleſey to be made to him, which nevertheleſs he was not to enjoy, unleſs Lewellyn died without heirs. Then he delivered up the betrothed lady, and did him the honour to aſſiſt at his nuptials. He created alſo David, brother of Lewellyn, earl of Dinbigh, and to attach him to the intereſts of England, gave him to wife a rich Engliſh heireſs [m]. Who ſubmits to hard terms. Walſing. An. Waverl. 1278. Act. Pub. ii. p. 91. Edward reſtores the hoſtages, ib. p. 95. Walſingh. T. Wikes.

The happy ſucceſs of the war with Wales was immediately followed by Edward's acquiſition in France, of the earldom of Ponthieu and Montrevil, fallen to his queen by the death of her mother, queen of Caſtile, who was in poſſeſſion. But to obtain of the king of France the inveſtiture of that fief, he was obliged to confirm his father's treaty, made whilſt a captive to the earl of Leiceſter, and to renounce, like him, all claim to 1279. The earldom of Ponthieu falls to him. M. Weſt. Walſingh.

[l] Rapin by miſtake ſays Rutland, whereas it was the caſtle of Rhudhlan in Flintſhire. This caſtle was built by Robert de Rhudhlan, nephew of Hugh earl of Cheſter. The caſtle therefore was not built but repaired by Edward I. Camden in Flintſh.

[m] Eleanor, daughter of Robert de Ferrars, earl of Derby.

M. Weſtm. Anjou and Normandy. He reſerved, however, the yearly rent of thirty pounds out of the revenues of Normandy, apparently as an acknowledgment that it once belonged to his anceſtors.

The Jews puniſhed for clipping and coining. M. Weſt. T. Wikes. Walſingh. Nov. 12.

This affair being ended, Edward ſeriouſly ſet about rectifying the coin, which was very much debaſed, during the troubles of the late reign. Upon information that the Jews were the chief authors of this miſchief, he cauſed all that were in the kingdom to be ſeized in one day, that the guilty might not eſcape. Then, after a ſtrict examination, two hundred and eighty [n], convicted of clipping and coining, or putting off falſe money, received ſentence of death, and were executed without mercy.

Statute of Mortmain. Stat. at large. M. Weſt. T. Wikes. Knighton.

An affair of another nature, but of no leſs importance to the public, furniſhed the king with a freſh opportunity to ſhow his reſolution, to reform the abuſes introduced into the kingdom. The prodigious increaſe of the riches of the clergy and monaſteries, had been long a ſubject of complaint, without any effectual remedy being found to put a ſtop to an evil ſo prejudicial to the ſtate. The barons, who had exacted from king John the great charter, had taken care to inſert a clauſe, expreſsly forbidding all perſons to alienate their lands to the church. But this prohibition, as well as ſeveral others, had been ill obſerved. The complaints upon this head were renewed in the beginning of this reign, wherein it was hoped, all grievances would be redreſſed. It was demonſtrated to the king, that in proceſs of time, all the lands would be in the hands of the clergy, if people were ſtill ſuffered to alienate their eſtates to the church. And indeed, the church never dying, always acquiring and never alienating, could not but in the end be poſſeſſed of all the riches and lands of the kingdom. Edward having maturely conſidered the affair, ſummoned the parliament, and propoſed the making a law to reform this abuſe. The propoſal was received with joy, and a ſtatute was made, whereby all perſons were forbid to diſpoſe of their eſtates to ſocieties, which never die, without the king's expreſs conſent. The ſtatute was called the ſtatute of Mortmain, becauſe it was intended to prevent eſtates from falling into dead hands, that is, hands of no ſervice to the king and the public, without hopes of their ever changing their owners.

The parliament which met the next year, being desirous to redress another abuse, unadvisedly gave birth to a greater. During the troubles of the two late reigns, several persons appropriated to themselves lands, which did not belong to them. The crown itself was a sufferer by it. To remedy this evil, and give to every one his own, the parliament passed an act, in itself very just. It imported, that all who were in possession of the contested estates, should be obliged to produce their title before the judges, in order to be examined. This statute, from the English word Warrant, was stiled Quo Warranto, and is properly a right to demand of any person, by what warrant, or title, he holds the estate in dispute [o]. This regulation was just and necessary. But the king, misled by ill advice, and a desire of amassing money, made use of it, contrary to the design of the parliament, to oppress his subjects. As he was sensible, that among the great numbers, who held their lands of the crown, it could not be but that many had lost their titles, he was resolved to take advantage of their misfortune, under colour of putting the statute of Quo Warranto in execution. To that end, he published a proclamation, enjoining all persons that held lands of the crown, to lay their titles before the judges of the realm. This proclamation was looked upon as the source of a very great grievance. And indeed, those that were first attacked, and could not produce their original titles, though they proved a long possession, were forced to pay large sums to the king, to preserve their estates. This grievance would have gone much farther, had not a stop been put to it by the courage of the earl of Warren. The earl appearing before the judges, was required to show the title, by vertue whereof he held his lands. He answered, by drawing an old rusty sword, and saying to the judges, "This is the instrument, by which my "ancestors gained their estate, and by this I will keep it as "long as I live [p]". So bold an answer seemed likely to involve the earl in trouble; but it had a quite contrary effect. The king found by it, how difficult it would be to exact upon the nobility on so frivolous a pretence, without falling into great inconveniences. He saw plainly, there were

Margin notes: 1280. — The statute of Quo Warranto. An. Waverl. Hemingf. — The king makes an ill use of it. — Bold reply of earl Warren.

[o] It must be observed, that the [illegible] of Quo Warranto [illegible] Edw. I. [illegible]

[p] His answer was, "My ancestors "coming in with William the Bastard, "won their lands by the sword, and "by the sword I will defend them [illegible] [illegible] Heming[illegible]

ſtill among the barons, perſons as ready to hazard all in defence of their rights and properties, as thoſe in the time of John and Henry III. Beſides, he thereby knew, how unjuſt his pretenſions appeared to the people, as indeed they were. Theſe conſiderations inducing him to revoke his proclamation, the people expreſſed their joy in ſuch a manner, as plainly ſhowed, how much they reſented the oppreſſion. On the other hand, the king's moderation turned more to his advantage than his injuſtice had done to his injury. His ſubjects blamed the miniſtry for whatever was odious in his conduct, and aſcribed to him the honour of reforming what was amiſs by his prudence. What glory ſoever this prince had acquired by his victories, his conqueſt over himſelf on this occaſion, gained him more honour than all his warlike exploits. It is infinitely leſs glorious for a ſovereign to ſubdue provinces and kingdoms, which belong not to him, than to deſiſt voluntarily from a pretenſion, which he diſcovers to be unjuſt.

1281. War with Wales.

Theſe domeſtic employments were interrupted by the revolt of Lewellyn. This prince, bearing with impatience the yoke of the Engliſh, made a freſh attempt to free himſelf from it, but it ſerved only to bring on his deſtruction. Three things eſpecially engaged him in the enterprize. The firſt was, the reſtleſs temper of his brother David. What care ſoever Edward had taken to gain his affection by ſeveral favours, this prince never ceaſed to excite his brother to take up arms, in order to free himſelf from ſubjection. He thought it his own concern, becauſe, as Lewellyn had no children, he was his preſumptive ſucceſſor. The ſecond thing that inclined Lewellyn to war, was a certain prophecy of the famous Merlin. The Welſh fancied to ſee in this prediction, that Lewellyn was deſtined to wear the crown of Brutus, the firſt king, as it was pretended, of the whole iſland of Albion. This notion had taken ſo deep root in their minds, and even in Lewellyn's himſelf, that they built upon it, as on a ſure foundation. The third and only thing alledged by Lewellyn, were certain grievances, a liſt whereof he delivered to the archbiſhop of Canterbury, who was come to perſuade him to peace. If theſe grievances, of which an hiſtorian [q] has given us the ſubſtance, were real, this prince had certainly great reaſon, to endeavour to deliver himſelf from the yoke laid upon him. But Edward refuſed to hearken to his complaints.

Walſing. M. Weſtm. Walſing. Powel's Chron. T. Wikes.

[q] They are in Powel's Chronicle of Wales. See a full account of them in Tyrrel, vol. iv. p. 35, &c.

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This hard uſage convinced Lewellyn, that a vigorous defence was the only means to free him from a ſubjection deemed by him a real ſlavery. He took up arms therefore to ſhake off this galling yoke, and ſurprizing the lord Clifford, the king's general, on the frontiers, ſlew ſeveral of his men, and took him priſoner. Then, penetrating into the Engliſh territories, he committed great ravages, and defeated the earls of Northumberland and Surrey [r], who were ſent into thoſe parts to ſtop his progreſs. M. Weſt. An. Waverl. T. Wikes. Walſing.

It was a great mortification to Edward, that his troops ſhould ſuffer themſelves to be beaten by the Welſh. However, in hopes of being more fortunate himſelf, he drew together a numerous army, to go once more and tame the fierceneſs of Lewellyn. Whilſt his troops were marching towards the borders of Wales, he paid a viſit to the queen his mother, who was retired to the nunnery of Ambreſbury. This princeſs, prepoſſeſſed in favour of the late king her huſband, ſhowed her ſon a man, who pretended to receive his ſight at the tomb, and by the interceſſion of Henry III. She imagined doubtleſs the king would be pleaſed with it, but was very much ſurprized to hear him ſay, he was ſo well perſuaded of his father's juſtice and probity, that he did not queſtion, but, had it been in his power, he would rather have deprived the impoſtor of his ſight, than reſtored him to it. Edward marches in perſon againſt the Welſh. T. Wikes. M. Weſtm. Walſing. Falſe miracle attributed to Henry III. Walſing.

Edward making but a ſhort ſtay with the queen his mother, went and headed his army. He entered Wales without any oppoſition, Lewellyn being retired to the mountain of Snowdon, in a poſt that could not be attacked. Not diſcouraged by this obſtacle, Edward reſolved to inveſt his enemy, by ſecuring all the avenues, through which he might make his eſcape. Nothing could more expreſs his deſire to ſucceed in his undertaking, than ſuch a project, which none of his predeceſſors had ever ventured to attempt. After fortifying all the poſts, he cauſed a bridge of boats to be made over the river Menay, oppoſite to Bangor, that he might ſend troops likewiſe into the iſle of Angleſey. After that, foreſeeing the blockade would hold long, he left it to the management of Roger Mortimer, and went and waited the iſſue in the caſtle of Rhudlan. Poſted as Lewellyn was, he would doubtleſs have tired the patience of his enemies, if an unexpected accident had not induced him to deprive himſelf of that advantage. M. Weſt. Walſing.

[r] There was at this time no earl of Northumberland. The earl of Surry was John Plantagenet.

T. Wikes. Some of the English that were in Anglesey, passing the bridge above-mentioned, in order to view the country, were attacked by the Welsh, and so closely pursued, that the greatest part were slain or drowned in endeavouring to regain the island [s]. This advantage made Lewellyn imagine, heaven began to declare in his favour, and Merlin's prophecy was going to be accomplished. Full of this pleasing notion, he descends into the plain, to fight the English, not considering the inequality of his forces. But he quickly found how groundless his expectations were, since in the battle wherein he rashly engaged, he was slain on the spot [t], after seeing his army entirely routed. In his pocket were found some letters in cypher, by which it appeared, he had great friends in England, but Edward did not think fit to make a strict inquisition. However, to strike a terror into those that were engaged with that prince, he commanded his head, crowned with ivy, to be exposed to view on the walls of the Tower of London. Hence might be gathered, what subjects were to expect from the king's severity, since a sovereign prince was treated in that manner.

Lewellyn vanquished and slain. Walsing.

Act. Pub. ii. p. 224.

His head set upon the Tower. M. West. Knighton.

Such was the end of Lewellyn, descended from Rhoderic the Great, and from one of the most antient royal families in Europe. With him expired the liberty of his nation. The Welsh, discouraged by their prince's death and defeat, being no longer able to resist, Edward easily became master of their whole country, which he distributed, for the most part, amongst his officers and courtiers, reserving to himself only the sovereignty and fortified places [u].

Edward becomes master of all Wales. T. Wikes. Walsing.

1283. Some time after, David, brother of Lewellyn, roving still about the country, had the misfortune to be taken by the English, and sent to Rhudhlan, where the king still remained. In vain did he earnestly beg the favour of casting himself at his feet to implore his mercy. As he was the last of his family, Edward was willing to secure his conquests by his death. Pursuant to this resolution, he ordered him to be conducted

He puts David, Lewellyn's brother, to death. M. West. Knighton. An. Waverl.

[s] T. Wikes says, that above three hundred men at arms, under the conduct of the lord William Latimer, and Lucas de Thony, commander of the Gascon forces, would needs pass over the bridge, before it was quite finished, to show their valour: but as soon as the tide came in, and had flowed beyond that end of the bridge which was near the continent, the Welsh came rushing upon them. There were slain and drowned [illegible] fifteen knights, thirty-two esquires, and about a thousand common soldiers. This defeat happened on the 6th of November. Ann. Wigorn.

[t] By Brochen de Francing, near Landwey, in Bush, Decemb. 11. Chron. Abingdon. Dr. Powell.

[u] He built the castle of Aberconwey, at the root of Sumeren-hill. M. West. p. 411. An. Waverl. p. 238.

to Shrewſbury, where, by the advice of the parliament, called upon that occaſion [w], he was condemned to die the death of a traitor. This rigorous ſentence was executed, with all the circumſtances attending that infamous puniſhment. His head was fixed near that of the prince his brother, and his four quarters were ſent to York, Briſtol, Northampton and Wincheſter [x]. Act. Pub. ii. p. 274.

Edward's ſeverity to this prince is related by all the hiſtorians, without any cenſure. And yet it is an action that can hardly be excuſed. Suppoſing the rigour of the law authoriſed a ſentence of death, was it not very barbarous to execute a prince of a royal family, in a manner till then unuſual with regard to perſons of diſtinguiſhed birth? What would not theſe hiſtorians have ſaid, if a king of France, after taking in fight a brother of the king of England, had ordered him to be ignominiouſly hung on a gibbet? or if, finding the body of the king himſelf ſlain in battle, had cauſed his head to be placed on the walls of the Baſtile?

After thus ſecuring the poſſeſſion of the principality of Wales, Edward ſought means to prevent all accidents that might occaſion its loſs. The annexing that country to the crown of England, was what ſeemed moſt proper to that end. Accordingly he ſummoned a parliament, where it was reſolved, that Wales ſhould be inſeparably united to the crown. Thus the Welſh, the ſmall remains of the ancient Britons, loſt at length their liberty, after preſerving it in that little corner of the iſland, above eight hundred years. Surely, they cannot, without injuſtice, be denied the commendations due to the reſolution, wherewith they had hitherto defended their country. Deſtitute of all ſuccours, without foreign alliances, and without a naval power, they had ſtood their ground againſt the kings of England, Saxons and Normans, who had almoſt all attempted to ſubdue them with forces vaſtly ſuperior. It is true, they were often obliged to pay tribute to the Engliſh monarchs: but however, they always remained a diſtinct nation, governed by their own laws. It was not by their valour alone that they preſerved their liberty, but alſo by their policy, in dexterouſly fomenting the diſſen-

Wales united to England. Knighton. Walſing.

w The writs of ſummons are ſtill extant upon record; the firſt of which is to the lords, to meet the king at Shrewſbury, on September 30: the ſecond writ is directed to the ſheriff of every county in England, to cauſe to be choſen two knights, for the community of the ſame county; a third was directed to ſeveral cities and boroughs; and a fourth writ to the juſtices. Rot. Walliæ 11 Edw. I. M. 2 Dorſ.

x This is the firſt example of this manner of execution done upon traitors, which has ſince been conſtantly continued.

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tions of their neighbours, 'till at laſt, the time appointed for their loſing that moſt valuable bleſſing, happened in the reign of Edward I. It may, however, be ſaid, that if amends can be made for ſuch a loſs, they had reaſon to be eaſy, ſince they became one and the ſame nation with their conquerors. From that time they have all along enjoyed the ſame laws and privileges, which render the people of England the happieſt nation under the ſun.

1284. Death of Alphonſus, ſon to the king. Act. Pub. ii. p. 175. ii. p. 18.

The ſatisfaction Edward received from the conqueſt of Wales, was immediately followed by a great affliction, cauſed by the death of Alphonſus his ſon. He was a prince of great hopes, and being now twelve years of age, was going to marry the only daughter of Florence earl of Holland. This was the third ſon Edward loſt within the ſpace of three years. John his eldeſt ſon died before his return from the Holy Land. Henry, his ſecond, was contracted to the only daughter of Theobald king of Navarre y.

Birth of Prince Edward. M. Weſt.

Though the Welſh were entirely ſubdued, they failed not to ſhew on all occaſions, their extreme regret to ſee themſelves ſubject to the Engliſh. Some of them had even the boldneſs to tell the king, he ſhould never peaceably enjoy their country, as long as they were not governed by a prince of their own nation. If we may believe certain hiſtorians, this bold declaration induced the king to give them ſome ſort of ſatisfaction. They pretend, from that moment he Stow's Ann. purpoſed to give them for prince, the ſon whom he hoped his queen, then with child, would ſhortly bring into the world. They add, with this view, he cauſed her to lie in at Caernarvon, where, according to his expectation, ſhe was brought to-bed of a prince, called Edward, and ſirnamed of Caernarvon, the place of his birth. It is ſaid, that immediately after the queen's delivery, he convened the ſtates of Wales, and declared to them his reſolution, to give them a prince born in their country, and who could not ſpeak a word of Engliſh: Then he nominated to them the prince his ſon,

y King Edward having undertaken the cruſade for the Holy Land, and by reaſon of the Welſh wars, and other affairs, not being able in his own perſon to perform it, appointed his brother Edmund for that ſervice; and there being ſix years tenths collected from the clergy, according to the canon of the ſecond council of Lyons, laid up in ſeveral monaſteries, and other places, for an aid for the Holy Land; pope Martin IV. ſent two preaching friars into England for the exportation and return of this money, by his agents and foreign merchants; whereupon king Edward iſſued out, on May 24, 1282, a writ to hinder it: and moreover, ſent commiſſioners the next year to the places where it was laid up, to ſee how much there was, and to order the ſafe keeping of it for the right uſe. See Brady's Hiſtory, vol. iii. p. 21. and Appendix, N. 8.

juſt

juſt born at Caernarvon. But other writers not ſo credulous, conſidering doubtleſs this circumſtance as a puerility, have thought fit to paſs it over in ſilence [z]. And indeed, it was only a poor equivocation, little capable of ſatisfying the Welſh, and not at all agreeable to the character of Edward. Beſides, it is certain, the young prince was not inveſted 'till the year 1301, with the principality of Wales, being then ſeventeen years of age [a]. M. Weſt. An. Waverl.

The conqueſt of Wales, and the univerſal eſteem the king was in among his ſubjects, procuring England a profound tranquillity, what paſſed in the kingdom till the war with Scotland, is of no great concern: and therefore, I ſhall ſlightly paſs over the domeſtic affairs, contenting myſelf with briefly relating ſome of the principal circumſtances [b].

We find in the year 1285, the king took away the charter of London, and turned out the mayor, becauſe he offered himſelf to be bribed by the bakers, and put in another by his own authority. But quickly after, the city found means to recover their charter, by making the king a preſent [c]. 1285. Fabian's Chron.

This year the king called a parliament, which made ſome additions to the antient ſtatutes, by the name of the Second Statute of Weſtminſter [d]. M. Weſt. T. Wikes. An. Waverl. Walſing.

In the year 1286, Edward ordered all the Jews in the kingdom to be ſeized, upon one and the ſame day [e]. The 1286.

[z] As far as can be found, it is mentioned only by the modern Chronicles.

[a] King Edward having ſettled matters in Wales, came about the middle of December to Briſtol, where he kept his Chriſtmaſs, and held a parliament, "—non univerſali ſeu generali, ſed "tanquam particulari & ſpeciali par-"liamento"—and from thence repaired to London; where, ſoon after, he received orders from the king of France to attend him in his expedition, by reaſon of the lands he held in Gaſcogne; but hearing at Dover, a truce was concluded between the kings of France and Arragon, he went into Norfolk. T. Wikes. Walſing.

[b] This year, a parliament was held in October, at Acton-Burnel in Shropſhire, wherein was enacted, the ſtatute of Acton Burnel. Walſing.

[c] George Brooksby, the mayor, was turned out for taking bribes from the bakers, to connive at their ſelling bread ſix or ſeven ounces too light in the pound loaf. But Mr. Tyrrel obſerves, that notwithſtanding this ſeizure, the politic body, or corporation of the city, was not diſſolved; but they enjoyed all privileges of holding courts, &c. (the choice of a mayor only excepted) as they had done before the ſaid ſeizure, p. 51.

[d] You have it in Coke's 2d inſtitute, p. 371, &c. This parliament was held at Weſtminſter, after Eaſter. Another parliament was held at Wincheſter, in the beginning of October, wherein ſome ſtatutes were made about robbers. Ann. Waverl. p. 239.—The abbey-church of Weſtminſter having been ſixty-ſix years in building, was finiſhed this year. Stow's Survey. —Alſo about this time, we find merchant-ſtrangers were firſt permitted to rent houſes, and to buy and ſell their own commodities themſelves, without any interruption from the citizens; for before this, they hired lodgings, and their landlords were the brokers, who ſold all their goods and merchandize for them. Fabian's Chron.

[e] The ſecond of May. They were forced to pay the king twelve thouſand pounds of ſilver. T. Wikes, p. 114.

The king gets from the Jews large sums. T. Wikes. Knighton.

commons granted him a fifteenth of their moveables, to expel the kingdom all such foreigners as were a burden to the nation. He promised it, but after obtaining the subsidy, he granted them a delay, which was dearly purchased [f].

He goes into France. M. West. Walsing. Motives of his voyage.

About the middle of the same year, three important affairs called Edward into France, where he continued above three years. As in the mean time, nothing very remarkable passed in England, I shall only relate the affairs he had to manage in France. The first was, his demand of the provinces taken from the kings John and Henry III. concerning which, there was a long negotiation. The second related to the homage he was to do to Philip the Fair, king of France, who had lately succeeded Philip the Hardy, his father. The third was, the agreement he undertook to procure between the houses of Arragon and Anjou, concerning the kingdom of Sicily.

Earl of Pembroke left regent.

The king finding his presence was not absolutely necessary in his kingdom, now in profound tranquillity, left the regency to the earl of Pembroke [g], and embarked for France. He spent the best part of a year in solliciting the restitution of the provinces, taken from the crown of England by the predecessors of Philip the Fair; but all his pains upon that account were ineffectual. The court of France being then in a flourishing condition, and in no danger from England, was deaf to all his proposals. All the benefit he could reap from the negotiation, was a pension of ten thousand pounds [h], in lieu of his claim to certain lands situated beyond the Charent, of which Philip kept possession, contrary to the tenor of the antient treaties. The two monarchs signed a new treaty; after which, Edward did homage to Philip. The form of the homage, rendered only in general terms, and the previous protestations, evidently show, Edward had still a mind to keep up his pretensions, in order to prosecute them at a more favorable juncture. Without specifying, in his homage, any particular country, he affected to include all those provinces to which he had any claim. As this is a matter of moment, and was afterwards attended with great consequen-

A new treaty between Edward and Philip the Fair. M. West. T. Wikes. An. Waverl. Walsing.

[f] This year Eleanor, king Edward's mother, was veiled in the monastery of Ambrosbury; but obtained a licence from the pope to keep her homage. And the same year, Mary, king Edward's daughter, was veiled a nun in the same monastery. Walsing.

[g] Adamar de Valence. See Rymer's Fœd. T. II. p. 5[illegible]. The Ann. of Waverl. say, he left it to Edmund Plantagenet earl of Cornwal.

[h] Yearly; [illegible] at the Tower of London, at the charge of the king of France; [illegible] same treaty for Normandy. M. West. [illegible] as Mr. Tyrrel observes, though related to our Edmund, [illegible] not form probable; since Edward had already parted with his claim to Normandy.

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ces, it will not be improper to recite the very words of the homage, with the proteſtations, as they occur in the Collection of the Public Acts. T. ii. p. 320.

" On Wedneſday in Whitſun-week, in the fourteenth year of the reign of Edward, and in the firſt of Philip, at Paris, in a room of the royal palace, king Edward did homage to king Philip, in the following terms, ſpoken by the biſhop of Bath and Wells. Homage done by Edward to Philip.

" SIRE, king of France, king Henry, father of my lord the king of England here preſent, made certain demands upon Lewis king of France, your grandfather, whereon a treaty of peace was concluded between them. Purſuant to that treaty, Henry did homage to your ſaid grandfather, for the land he actually held on this ſide the water, and for ſuch, as the ſaid Lewis had obliged himſelf to put into his hands, by the above-mentioned treaty of peace. My lord king Edward here preſent, after the death of his father, did homage to the king your father for theſe lands, and according to the tenor of the ſaid peace. And though my ſaid lord might with juſtice, as ſeveral of his council are of opinion, refuſe to do the ſame homage, becauſe the ſaid peace has not been obſerved, and becauſe, to his great prejudice, ſeveral attempts have been made upon the lands which he holds; nevertheleſs, he is unwilling at preſent to enter into diſpute upon that ſcore, provided you will cauſe the ſaid peace to be kept, and the damages he has ſuſtained to be repaired.

" I become your man for the lands I hold of you, on this ſide the water, according to the tenour of the peace made with your anceſtors."

It is eaſy to ſee, that, in this homage, Edward took care of expreſſions, not to promiſe too much. Beſides his proteſtations by the mouth of the biſhop, he would do homage only in general terms, for the lands he held, without ſpecifying any thing, reſerving to himſelf the explanation at ſome other time. But whatever his thoughts were, Philip, imagining no doubt, he had a right to explain the ſame terms to his own advantage, was very ready to receive the homage, with this affected obſcurity. He even granted him, a few days after, letters patents, whereby he conſented, that the lands poſſeſſed by Edward in France, ſhould not be liable to forfeiture, either for unjuſt judgment, or denial of juſtice. Act. Pub. ii. p. 321.

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Moreover, he promised to send back the appellants to the Seneschal of Guienne, and promised to allow him three months to maintain or rectify the judgments. But this concession was to take place only during the life of Edward, after which things were to return to their former state.

Difference between the houses of Anjou and Arragon. M. West. An. Waverl. Walsing.

These two affairs kept Edward at the court of France about a year. But the reconciliation he undertook to meditate between the kings of Sicily and Arragon, employed him much longer, and proved a very troublesome affair, for which he had no other reward, but the satisfaction of endeavouring to reconcile these two illustrious houses. Though this affair relates not directly to Edward, who acted only as mediator, yet as it wholly employed him for two years, I hope it will not be taken amiss, if I briefly explain the occasion of those differences, and the principal events they produced.

I have already observed in the late reign, how the popes invested the house of Swabia with the crown of Sicily, and the efforts they afterwards used to wrest it from thence. I left Manfred the bastard in possession of the two Sicilies, and the pope solemnly giving the investiture of these two kingdoms to Charles of Anjou, after having long amused prince Edmund, brother of our Edward, with the hopes of that crown. It will be necessary, briefly to resume the sequel of that history to the time I am now speaking of.

Charles of Anjou knew better how to improve the pope's favour than Edmund. With the assistance of the king his brother, he levied a powerful army, and came to Rome, where the pope solemnly crowned him king of the two Sicilies, on the 28th of June 1265. In the beginning of the next year, he marched towards the kingdom of Naples, and on the 26th of February, obtained a complete victory over Manfred, who was slain on the spot. Freed by this single battle from all the obstacles which lay in his way, he took possession of the two Sicilies, and enjoyed them some time without a rival. The Gibelines [i], that is, the party against the pope, ruined by the

[i] It is uncertain, whence the names of Guelfs and Gibelines were derived. Some give the following account: In 1130, there happened a schism in the church, through the concurrence of Innocent II, and Anacletus, the first of whom was favoured by the emperor; the other by Roger, count of Sicily and Naples, an active and warlike prince, who drew to his side Guelf duke of Bavaria. The emperor Conrad III. entering Sicily with a German army, and followed by prince Henry his son, who was brought up at a place in Germany, called Gibelin, Guelf, duke of Bavaria, marched to the assistance of his ally; and it happened, as both armies were ready to engage, that the Bavarians cried in their language, Hier Guelfe, which being answered by the troops commanded by the prince, by Hier Gibelines, the Italians retained the words, to distinguish the different parties, and called the factions by them, Blondo, Sigonius.

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flouriſhing condition of Charles, who ſupported the Guelphs, and was himſelf ſupported by them, ſought all poſſible means to deprive him of the two kingdoms. They perſuaded Conradin, ſon of the emperor Conrade, that being the ſole heir of the houſe of Swabia, he ought to aſſert his right to the Sicilies, and ſnatch the prey out of the hands of Charles of Anjou. There was no need of much ſollicitation to incline Conradin to this undertaking. Without a moment's conſideration, the young prince aſſumed the title of king of Sicily; and in ſpite of the excommunication thundered againſt him by the pope, came into Italy, where at firſt he made ſome progreſs. This proſperous beginning inſpiring him with great hopes, he advanced towards Naples, to fight his enemy. Upon his approach, Charles raiſed the ſiege of Nocera, which he had begun, and marching towards him, met him near the Lacus Fucinus, now called Celano, and gave him battle. This ſucceſs was fatal to Conradin, who had the misfortune to loſe the day, and be taken priſoner. The conqueror making a cruel uſe of his victory, carried his barbarity ſo far, as to behead the young prince, who was but ſixteen years of age. He cauſed him to be tried and condemned by the Syndics of the cities of the kingdom, who were ſo baſe, as blindly to follow the directions of that bloody prince.

The extinction of the houſe of Swabia, of which Conradin was the laſt male, ſhould, one would have thought, have diſabled the Gibelines from any farther attempts. But if they were aſtoniſhed by this fatal blow, they were not quite diſheartened. By the death of Conradin, the rights of the houſe of Swabia were devolved to Peter king of Arragon [k], who had married Conſtantia daughter of Manfred. Though theſe rights came only by a baſe ſon of that houſe, the Gibelines deſpaired not to draw the king of Arragon into their quarrel, ſince it might be the means of procuring him two kingdoms. John, lord of Procida, an old ſervant of the houſe of Swabia, took upon him the negotiation, and to concert with Peter the neceſſary meaſures, to accompliſh the deſign of dethroning Charles of Anjou. In the firſt place, he ſecured the concurrence of pope Nicholas III. who was diſpleaſed with king Charles. Then he went on to Conſtantinople, and obtained an aid of money from the emperor Michael, who

Fazellus's hiſtory of Sicily.

k When Conradin was on the [illegible] of the inheritance of the family of [illegible] Swabia, of which he was the laſt [illegible] [illegible] king of Arragon. [illegible] of the inveſtiture which he gave him [illegible]

was

was threatened with a war by the king of Sicily. Theſe meaſures being taken, he went and communicated his project to the king of Arragon. Peter was at firſt unwilling to embark in an undertaking, which ſeemed beyond his ſtrength. But the pope's approbation, the Grecian emperor's money, and the Sicilians revolt, which he was made to conſider as certain, determined him at length. Beſides, Procida intimated to him, that he might, without any hazard, be prepared to take advantage of the good ſucceſs, or relinquiſh the undertaking, without appearing to be concerned. To that end, he adviſed him to fit out a fleet, on pretence of invading the Moors of Africa, and even to beſiege one of their towns. He added, if, contrary to all expectation, the revolt of the Sicilians ſhould fail, he might continue the war upon the infidels, without diſcovering he had any other deſign, but if the Sicilians ſhould keep their word, he would be ready to improve the events.

The project being thus adjuſted, John de Procida returned home to prepare his friends when matters were ripe. The king of Arragon's armament alarmed the kings of France and Sicily, but he knew how to diſſemble ſo well, that he made them eaſy. When his fleet was ready, he ſailed for the coaſt of Africa, where he beſieged Andacalle. He had with him Roger de Lauria, the beſt ſea-officer then in Europe. In the mean time, Procida took all his meaſures ſo well, that in one night the Sicilians cut the throats of above eight thouſand French, who were then in the iſland. This maſſacre, which was called the Sicilian Veſpers [1], was acted upon Eaſter-Eve, on the 30th of March 1282. The news being brought to Rome, where Charles of Anjou then was, he made all poſſible expedition, to prevent the conſequences of the conſpiracy. As he had a fleet ready, which was deſigned againſt the emperor of Conſtantinople, he ſet ſail, and arrived before Meſſina. His ſudden coming ſo ſurprized the inhabitants of that great city, that, deſpairing of being timely relieved, they offered to ſurrender upon condition of having their lives ſpared. The deſire of revenge, which had wholly poſſeſſed the king of Sicily, would not ſuffer him to grant them that favour. Whereupon the Meſſinians, finding by his refuſal what they were to expect from ſo revengeful a prince, reſolved to ſell their lives dearly, chuſing rather to die ſword in hand, than on gibbets or ſcaffolds.

Act. Pub. ii. p. 201.

1 Becauſe the bell which rang to evening prayers was made the ſignal.

Mean time, the king of Arragon being informed that the Sicilians had proceeded ſo far that there was no danger from their inconſtancy, came in a few days to Palermo, where he was crowned. Then he ſent Charles a letter, commanding him in a haughty ſtrain to quit a country where he had no farther pretenſions. Charles returned him ſtill a more haughty and offenſive anſwer; but however, fearing the Spaniſh fleet would intercept the proviſions that were coming from Naples, he reſolved to raiſe the ſiege, and retire into Calabria. He was no ſooner gone, but the king of Arragon made his entry into Meſſina, where the inhabitants received him with all poſſible demonſtrations of joy and thankfulneſs. Act. Publ. tom. ii. p. 225. Ibid.

Charles, enraged to the laſt degree, carried his complaints to pope Martin IV. ſucceſſor of Nicholas. He uſed, in ſpeaking of the king of Arragon, the moſt opprobrious and abuſive terms, offering even to fight him hand to hand, or a hundred againſt a hundred, to make him own himſelf to be a baſe, cowardly, and perfidious traitor. Theſe words coming to the ears of the king of Arragon, he ſent ambaſſadors to Rome, to juſtify his conduct and accept the challenge. Charles received the propoſal with joy, and his eager deſire to be revenged perſonally of his enemy, cauſed him to conſent to a truce, during which were ſettled the conditions of the future duel between the two kings. It was agreed, each ſhould appear at Bourdeaux, at the head of a hundred horſe, on the 1ſt of June 1283, and that the king of England ſhould inſtantly be entreated to appoint the liſts in that city; to honour their duel with his preſence, or to ſend ſome perſon in his ſtead. It muſt however be obſerved, it was expreſly ſaid in the articles, "That whatever happened, the "two kings ſhould appear at Bourdeaux on the day appointed: but if Edward was preſent in perſon, the intended "duel ſhould not be fought, unleſs the parties agreed upon "it afterwards." Though all the hiſtorians unanimouſly affirm Edward appointed the liſts at Bourdeaux, it is very certain he refuſed it: his letters upon this occaſion to the king of Sicily, and the prince of Salerno his ſon, are a clear evidence he had never any thoughts of granting their requeſt, ſince he plainly told them, were he to gain the kingdoms of Sicily and Arragon, he would not appoint the liſts for ſuch a duel. Theſe letters are in the Collection of the Public Acts, taken from the records of England. Project of a ſingle combat between the kings of Arragon and Sicily. Act. Publ. tom. ii. p. 226. Id. p. 239, et 240.

Though Edward's refuſal diſengaged the two kings from the obligation to fight, they were however bound by the articles to be at Bourdeaux. Charles came on the day appoint-

ed, with a hundred horſe, and ſtayed there from ſun-riſing to ſun-ſetting, but finding his adverſary did not appear, he retired. As ſoon as he was gone, Peter, who was all the while in Bourdeaux diſguiſed like an eſquire, went to the ſeneſchal of the city, and taking a certificate of his appearance, left him his arms for a teſtimony. This proceeding of the king of Arragon gave occaſion to the French hiſtorians to ſpeak diſhonourably of that prince, as if want of courage was the reaſon of breaking his word, and of using that fraud to evade his engagements. But it would not be very difficult to juſtify his conduct, if this were a proper place for it [m].

Though, as I obſerved, the king of Arragon was freed from the obligation of fighting, ſince Edward came not to Bourdeaux, yet his proceeding was very much exaggerated in France and Italy. It was pretended to be a plain proof that he was himſelf convinced of his injuſtice to Charles of Anjou, ſince he durſt not venture to decide their difference by a ſingle combat, which he himſelf
Ib. p. 252. had accepted. Pope Martin IV. a Frenchman, and wholly devoted to the houſe of Anjou, thundered againſt the king of Arragon a ſentence of excommunication, though he produced the inveſtiture of Sicily privately given him by Nicholas III. He even abſolved his ſubjects from their oath of allegiance, and gave the kingdom of Arragon to Charles earl of Valois, ſecond ſon of the king of France [n]. Notwithſtanding all this, Peter ſtill kept the two kingdoms; and, to inſult the pope under colour of ſubmitting to his authority, ordered himſelf to be called only the Chevalier of Arragon. Martin perceiving himſelf thus ridiculed, reſolved to make that prince know he was not to be inſulted with impunity: he publiſhed a cruſade againſt him, of which Philip III. king of France was declared general, and there were people weak enough to imagine they ſhould obtain paradiſe in eſpouſing the quarrel of the pope and the houſe of Anjou. It is true few but Frenchmen were engaged in the cruſade, where their king was particularly concerned, ſince it was intended for placing his ſon on the throne of Arragon.

Whilſt Philip was preparing for this undertaking, Roger Lauria rendered his maſter's arms proſperous in the Mediterranean. He had taken Malta from Charles of Anjou, after gaining a naval battle, where the French fleet was entirely

[m] In the [illegible] of volume II. of [illegible] Acts of England, in the Rib[illegible] Mr. Le Clerc, [illegible] p. [illegible] Where this affair is fully diſcuſſed, and the king of Arragon's conduct juſtified. Rapin.

[n] Philip III. who was then alive. Rapin.

deſtroyed.

deſtroyed. Immediately after the victory, he attacked the coaſts of Naples, with deſign to draw out of his ports the prince of Salerno, to whom his father king Charles had left the command of his fleet. This deſign ſucceeded to his wiſh: the prince of Salerno, greedy of glory and unable to bear the inſults of Lauria, raſhly engaged in a ſea-fight, where he had the misfortune to be vanquiſhed and taken priſoner. He was forthwith ſent to Sicily, where he ſaw himſelf in danger of loſing his head on a ſcaffold; the Sicilians deſigning to make him ſuffer by way of retaliation for Conradin. But Conſtantia, queen of Arragon, was ſo generous as to free him from this peril, by ſending him to the king her huſband, who was then in Spain. Charles's vexation at the loſs of his fleet and his ſon's impriſonment, was the greater, as he arrived three days afterwards with a powerful ſupply, and had expreſly commanded the prince not to fight till reinforced. This accident, which entirely diſconcerted his affairs, was probably the cauſe of his death on the 6th of June, 1285. He left for ſucceſſor Charles II. his ſon, ſirnamed the Lame, priſoner in Spain, to whom the Arragonians gave only the title of prince of Salerno during his captivity. M. Weſtm. An. Waver.

Neither the death of Charles, nor the loſs of the battle of Naples, were capable of diverting Philip from his projects. In May, that very year, he headed his troops, conſiſting of eighty thouſand foot and twenty thouſand horſe, and (though he heard in his march of the death of the king his brother) entered Rouſſillon, and became maſter of Perpignan. Then he advanced into Catalonia, where, after ſeveral conqueſts, he laid ſiege to Girnone. The king of Arragon attacking a convoy going from Rozes to the ſiege, was hurt in the ſkirmiſh, and died three months after of his wounds. He left Arragon and Catalonia to prince Alphonſo, his eldeſt ſon; and Sicily to James, his ſecond ſon, on condition that if Alphonſo died without heirs, James ſhould ſucceed in Arragon, and reſign Sicily to Frederic his younger brother.

The king of France's ſucceſſes in the beginning of the war did not laſt to the end of the campaign. Roger Lauria attacking the French fleet, deſtroyed all the ſhips except a few that eſcaped to Rozes. On the other hand, the ſickneſs in Philip's army retarded his progreſs by land. In fine, being himſelf ſeized with the contagion, he was carried to Perpignan, where he ended his days on the 6th of October. Philip IV. his ſon, ſirnamed the Fair, was his ſucceſſor. Honorius IV. was now choſen in the room of Martin IV. who died this ſame year. T. Wikes. An. Waver. Wal. Ing.

Such was the ſtate of the affairs between the houſes of Arragon and Anjou, when Edward, accepting the mediation offered him by both parties, undertook to adjuſt their differences. The main difficulty of the negociation conſiſted in freeing the prince of Salerno out of the hands of the king of Arragon, without which it was impoſſible to procure a peace. Edward took great pains to ſucceed: he had upon that occaſion ſeveral interviews with Alphonſo. Mezerai affirms he went to Sicily, to talk with king James: but the Engliſh hiſtory mentions not this voyage. In ſhort, at a conference between him and Alphonſo, at Oleron in Bearn, they ſettled the terms on which the prince of Salerno was to be releaſed, and for which, as far as concerned the ranſom, Edward conſented to be ſecurity. After this, the articles of agreement were confirmed by a treaty concluded at Campo Franco the 4th of October 1288. Nicholas IV. ſucceſſor to Honorius, ſtrongly oppoſed the execution of the treaty: he thought it too advantageous for the king of Arragon, and too diſhonourable for the holy ſee; becauſe the prince of Salerno, without conſulting him, had obliged himſelf to cauſe the earl of Valois to renounce the kingdom of Arragon. This oppoſition raiſed freſh difficulties; but they were at length ſurmounted by the prudence and pains of Edward, who acted as mediator with great impartiality. To facilitate the execution of the treaty, he was willing to give Engliſh hoſtages to the king of Arragon, and to cauſe the principal cities of Guienne to interpoſe as pledges, Alphonſo doing the ſame with regard to the principal cities of his dominions.

Edward is mediator between the kings of Arragon and Sicily. M. Weſtm. T. Wikes.

Act. Publ. tom. ii. p. 342. M. Weſtm. An. Waver. Walſing.

1288. Act. Publ. tom. ii. p. 358.

P. 371.

Ib. p. 435, 450, 455.

In conſequence of this agreement the prince of Salerno was ſet at liberty, leaving his ſons in hoſtage. It ſeemed, this affair, which was in ſo good a way, would quickly be ended, the main obſtacle being removed by that prince's liberty, who was bound by the moſt ſolemn oaths: but he performed nothing of what he had ſworn. He not only cauſed himſelf to be crowned king of the two Sicilies by the pope, contrary to the expreſs terms of the treaty, but alſo did his utmoſt to confirm the earl of Valois in the reſolution to proſecute his pretended right to the kingdom of Arragon. When he thought his affairs in good order, he feigned a willingneſs to return to impriſonment, as he was obliged in caſe he performed not the articles of the treaty: for that purpoſe he repaired to a certain place, where the king of Arragon was to receive him, and exchange him for the princes his ſons, but came ſo well attended, that Alphonſo did not think fit to venture upon his ſincerity. This occaſioned mutual complaints, reproaches, and

and apologies; each party applying to the king of England, as mediator and guarantee of the treaty. Edward, in all appearance, being tired with acting in favour of theſe princes, who ſo ill anſwered all his pains, left them to decide their differences as they pleaſed, without concerning himſelf any farther. But not to leave the reader in ſuſpence how this diſpute ended, I ſhall add in two words, that, after long negociations, mixed with many hoſtilities, the two princes adjuſted their quarrel by a treaty; the prince of Salerno, called Charles the Lame, kept Sicily on this ſide the Faro, which from thenceforth began to be diſtinguiſhed by the name of the Kingdom of Naples; and the houſe of Arragon remained in poſſeſſion of the iſland of Sicily: the earl of Valois renounced alſo his pretenſions to the kingdom of Arragon [o].

After ſtaying above three years beyond ſea, Edward returned into England, in Auguſt 1289. His firſt care was to reform ſeveral abuſes introduced in his abſence, particularly in the adminiſtration of juſtice [p]. Upon complaints from all hands, that the judges ſuffered themſelves to be corrupted with bribes, he ſtrictly examined into their conduct, and ſeverely puniſhed the guilty: of this number was (ſir Thomas Weyland) chief juſtice of the king's bench, who was baniſhed the realm, and his eſtate confiſcated [q]. Theſe miſdemeanors, which were but too frequent, gave the king occaſion to oblige the judges to ſwear, that for the future they would take neither money nor preſent of any kind, except only a breakfaſt, which they might accept, provided there was no exceſs. A hiſtorian affirms, the king got above a hundred thouſand marks by the confiſcation of the eſtates of the offenders [r].

1289. Edward returns to England. T. Wikes. An. Waver. Walſing.

In

[o] A parliament was held at London, in February 1288, wherein John de Kirby, lord treaſurer, demanded, by the king's order, as he ſaid, an aid for the king's charges in France. But the parliament anſwered, by the earl of Gloceſter, their ſpokeſman, that they would grant nothing, unleſs they ſaw the king perſonally preſent. Whereupon the treaſurer impoſed a tallage on the cities, burroughs, and the king's demeſnes. T. Wikes.

[p] This was done in the parliament mentioned a few lines lower. T. Wikes.

[q] The king puniſhed thus ſeverely, not only the juſtices of the king's bench, but alſo the juſtices of the Jews, and of the foreſts, the foreſters, ſheriffs, ſtewards of manors, and all other delinquents. T. Wikes.

[r] Sir Ralph de Hengham, chief juſtice of the higher bench, was fined ſeven thouſand marks; ſir John Lovetot, juſtice of the lower bench, three thouſand marks; ſir William Bramton, juſtice, the like ſum; ſir Solomon Rocheſter, juſtice of aſſizes, four thouſand marks; ſir Richard de Boyland, four thouſand marks; ſir Thomas Seddington, two thouſand marks; ſir Walter Hopton, two thouſand marks; the four laſt were juſtices itinerant: ſir William de Saham, three thouſand marks; Robert Littlebury, maſter of the rolls, a thouſand marks; Roger Leiceſter, a thouſand marks; Henry Bray, eſcheater and judge for the Jews, a thou-

1290. The Jews banished England. T. Wikes. Walsing. Knighton.

In the beginning of the year 1290, Edward convened a parliament [s], where the Statute of Weſtminſter, the third [t], was enacted, and the baniſhment [u] of the Jews was abſolutely reſolved. The nation had long deſired it, but the Jews ſtill found means to divert the blow, by preſents to the king and his miniſters: they would fain have uſed the ſame method now, but could not prevail, the king being unable to protect them any longer without diſobliging the parliament. Their immoveable goods were confiſcated, but they had leave to carry away the reſt with them. It is the general opinion that they began to ſettle in the kingdom in the reign of William the Conqueror; but ſome believe their ſettlement more ancient. At firſt their number was ſmall, but by degrees they increaſed to fifteen thouſand. Their money procured them ſeveral conſiderable privileges, confirmed by Edward himſelf, as a ſynagogue at London; a head of their religion, being a ſort of high prieſt [w]; and judges of their own nation, to hear and determine their differences. They loſt all theſe advantages by not curbing their inſatiable greedineſs of enriching themſelves by unlawful means, as uſury, adulteration of the coin, and the like, which muſt render the practiſers odious. As for the imputation of crucifying from time to time Chriſtian children, it was only a calumny invented by their enemies [x].

We

a thouſand marks; and Adam de Stretton, a clerk of the court, was fined no leſs than thirty-two thouſand marks of new money, beſides jewels and ſilver plate. Chron. de Dunſtable, MSS. T. Wikes. The juſtices of the king's bench being thus turned out, were ſucceeded by John de Mettingham and Elias de Bebingham, clerks, and William de Geſeltham and Robert de Hertford, knights. T. Wikes.

[s] On January 14. T. Wikes, p. 118. The writs, returns, and indentures of this parliament are extant, and of all, or moſt, ſince; except from the 17th of Edward IV. to the 1ſt of Edw. VI. See Mr. Prynn's Brevia Parliamentaria Rediviva, and Mr. Brown Willis's Notitia Parliamentaria.

[t] Otherwiſe called (from the firſt words of it) Quia emptores terrarum, becauſe it chiefly related to purchaſers of lands held by knight's ſervice.

[u] Sir Edward Coke ſays they were not baniſhed; but their uſury was baniſhed by the Statute De Judaiſmo, enacted in this parliament; and that was the cauſe they baniſhed themſelves into foreign countries, where they might live by their uſury; and becauſe they were very odious to the nation, that they might paſs out of the realm in ſafety, they made a petition to the king, that a certain day might be prefixed for them to depart the realm, that they might have the king's writ to his ſheriffs for their ſafe-conduct. Coke's 2d Inſtitute, p. 507. See one of thoſe writs there. But Mr. Tyrr. obſerves, that though this account is very probable, yet there is no poſitive authority for it, p. 60. Many of the Jews took ſhipping in the river Thames, in a veſſel belonging to one of the Cinque Ports, and were by the wicked maſter and ſeamen, not only plundered of all they had left, but were alſo cruelly thrown over-board, which when the king heard, he cauſed many of thoſe inhuman mariners to be hanged. T. Wikes, p. 122.

[w] See the charter whereby king John granted them one, in ſir Edward Coke's 2d Inſtitute, p. 508.

[x] See a large account of the Jews,

n

We are now come to the grand affair of the reign of Edward I. I mean the conqueſt of Scotland, of which it is very difficult, not to ſay impoſſible, to ſpeak in a manner ſatisfactory to the Engliſh and Scots. Though the two nations agree as to the facts, and the occaſion of this conqueſt, they widely differ as to the right. If we believe the Engliſh, Edward did nothing but what was agreeable to reaſon and juſtice. The Scots, on the contrary, pretend he was led by ambition alone to take advantage of the troubles of Scotland, in order to become maſter of the kingdom, on frivolous pretences. Though ſeveral centuries are paſſed ſince this event, hiſtorians have not yet laid aſide their national prejudices. The Engliſh ſtill conſider Edward I. as a great prince, employing his arms only in maintaining the juſtice of his cauſe. The Scots ſpeak of him as a tyrant, vowing the deſtruction of their nation, and, contrary to all manner of right, intent upon ſatisfying his ambition in uniting all the people of Great Britain under his dominion. As I am not engaged in either party by birth or any other motive, I flatter myſelf with having impartially examined the affair, and produced from the Collection of Public Acts ſuch light as may ſerve to give a juſt notion of the thing: to this end it will be neceſſary to deſcend to particulars, as it is the only poſſible means to diſpe the prejudices which help to darken the affair.

The affairs of Scotland.

Alexander III. king of Scotland, married Margaret, daughter of Henry III. king of England, and ſiſter of Edward. He had by her three children, Alexander, David, and Margaret. David died an infant, and Margaret was married to Eric king of Norway, in 1281. It was agreed in the marriage-contract, that if prince Alexander died without heirs, and the king his father left no iſſue male, Margaret ſhould ſucceed to the crown of Scotland, and her children enjoy the ſame right, in caſe ſhe died before her father. Shortly after, Alexander loſing his only ſon of the ſame name, and the queen of Norway his daughter being likewiſe dead after bringing into the world a daughter called Margaret, he reſolved to perform the agreement: for that purpoſe he obliged the Scotch barons to ſwear, that in caſe he died without male heirs, they would acknowledge the young princeſs of Norway for their

Account the diſpute about the ſucceſſion to the crown of Scotland.

Alexander III. dies Hec. Boeth. T. Wikes.

queen. Alexander lived but two years after having thus settled the succeſſion, his death, occaſioned by a fall from his horſe, happened in the year 1285.

Margaret of Norway acknowledged queen of Scotland. Buchanan. Walſing.

When the Scots loſt their king, they choſe ſix regents to govern the kingdom, 'till the princeſs of Norway, who was but three years old, was capable of holding the reins of the government. I do not find in the hiſtories of England, or Scotland, why the Scots were three or four years before they demanded their queen, or why Eric her father neglected to ſend her over. It was not 'till 1289, after Edward's return into England, that Eric ſent ambaſſadors to him about it. Edward being Margaret's great-uncle, Eric thought he could not do better than aſk his advice and aſſiſtance, to place the young princeſs on the throne of Scotland. Immediately after this ambaſſy, Edward wrote to the regents of Scotland, ſtrongly recommending the intereſts of young Margaret, and acquainting them withal, that he deſigned to ſend ambaſſadors to ſettle certain affairs relating to the welfare and tranquillity of Scotland. But the regents thought it more proper, to ſend plenipotentiaries into England, to adjuſt with the ambaſſadors of Norway, in the preſence of Edward, whatever concerned the intereſts of Scotland. However, they took care to inſert this clauſe in the credentials of their envoys, "Saving the honour and liberty of the kingdom." The biſhops of St. Andrews and Glaſcow[y], were commiſſioned to tranſact this affair.

Act. Pub. II. p. 445.

Ib. p. 446.

Though hiſtorians have neglected to explode the difficulties concerning the coming of Margaret into Scotland, they were evidently very great. This appears, as well from the time elaps'd ſince the death of Alexander, as from the precaution taken at Saliſbury, by the plenipotentaries of Edward, Eric, and the Scots, about the reception of the princeſs. In the aſſembly it was agreed, the young queen ſhould be ſent into England, free from any marriage-engagement. Edward promiſed on his part to take care of her education, 'till Scotland ſhould be in perfect tranquillity, and in a condition to receive her. Moreover he gave his word, not to ſuffer her to be contracted in marriage, provided the Scots would not take any ſtep to that end, without his and the king of Norway's conſent.

Ib. p. 448.

Ibid.

Edward propoſes the marriage of his ſon with

It was not without reaſon that Edward cauſed this article to be inſerted in the agreement. Since the death of the king of Scotland, he had been forming the project of uniting the

y Together with the lord Robert Bruce, the lord of Anandale, and John Comyn.

two

two kingdoms of Great Britain, by his ſon's marriage with Margaret. He had already demanded and obtained a diſpenſation from Rome, though he had not thought proper to diſcover ſo early his intention. But after taking the forementioned meaſures, he cauſed the marriage to be propoſed to the regents. The propoſal being examined, in a council conſiſting of all the great men of the kingdom, it was unanimouſly reſolved to agree to it. But it was upon certain terms, which they were to lay before the firſt parliament aſſembled in England. There were upon this occaſion ſeveral negotiations, the particulars whereof would be needleſs. It ſuffices to ſay, that the commiſſioners of the two nations meeting at Bingham, agreed upon ſeveral articles, the chief whereof, with reſpect to the ſequel, were theſe:

Margaret. Act. Pub. II. p. 450.

The regents conſent to it.

I. The plenipotentiaries of Edward promiſed in his name, that he would inviolably keep the laws, liberties, and cuſtoms of the kingdom of Scotland, in all things and in all times, throughout the whole realm, with all its marches.

The terms of the marriage. Act. Pub. II. p. 482.

II. That in caſe either Edward the ſon, or Margaret his future ſpouſe, ſhould die without any children by their marriage, and in all caſes or events, whereby the kingdom of Scotland ſhould fall to the next heir, it ſhould be reſtored to the people of Scotland, free, independent, and without any ſubjection, ſaving however the rights of the king of England to the crown of Scotland, in caſe it devolved to him, or his heirs, by a lawful ſucceſſion.

III. That the kingdom of Scotland ſhould remain ſeparated, divided, and free in itſelf, without any ſubjection to, or dependance on, England; ſaving to the king of England, and his ſucceſſors, his right to certain lands in the frontiers, or elſewhere, before the time of this agreement, or any right he ſhould lawfully acquire hereafter.

IV. No perſon holding lands in fee of the king of Scotland, ſhould be obliged to proſecute any ſuit out of the kingdom, according to the cuſtom hitherto obſerved.

V. That all the ſubjects of the crown of Scotland, ſhould enjoy the ſame privilege, according to antient cuſtom.

VI. That all records, charters, and privileges, or other memorials concerning the royal dignity, and the kingdom of Scotland, ſhould be depoſited in a place of ſafety, and not carried out of the realm, under the ſeals of certain lords, till the queen ſhould come into the kingdom, and have children.

VII. That there ſhould be made no ſubjection, alienation, or obligation, of any thing relating to the kingdom of Scotland,

land, till the queen ſhould be there in perſon, and have children alive.

VIII. That no parliament ſhould be held out of the kingdom.

Theſe precautions demonſtrate, how far the Scots were from believing in thoſe days, that the kingdom of Scotland was dependant on England.

The marriage is concluded.

Act. Pub. II. p. 487.

Act. Pub. II. p. 1090. Omiſſa.

Margaret's death. Buchanan.

Theſe and ſeveral other articles, which I paſs over in ſilence, being approved and ratified, the marriage was concluded and reſolved, to the general ſatisfaction of both nations. Edward began from thenceforward to take as it were poſſeſſion of Scotland for the prince his ſon, by ſending thither the biſhop of Durham, who, jointly with the ſix regents, was intruſted with the adminiſtration of affairs, in the name of young Edward and Margaret. It was not doubted but the two kingdoms of Great-Britain were going to be united by this marriage, when ſuddenly and unexpectedly all hopes of an union vaniſhed. Edward received a letter from the biſhop of St. Andrews, acquainting him with the report of queen Margaret's death; and that ſome Scotch lords [z] upon the news, began to ſtir in the proſecution of their pretended rights to the crown. The biſhop intreated him withal, to advance towards the frontiers, to prevent by his preſence the commotions, which the queen's death, if found true, would cauſe in the kingdom. The report, ſpread of her death, was but too well grounded. The princeſs, whom her father promiſed to ſend into England before October, ſailed accordingly from Norway, and died in a certain iſland, where ſhe was driven by ſtreſs of weather [a].

As ſoon as the news reached Scotland, it occaſioned great commotions, which threw the kingdom into a more wretched condition than ever. The late king, who had caus'd the great men to ſwear to acknowledge Margaret of Norway for queen, neglected to ſettle the ſucceſſion, in caſe that princeſs died without heirs. The choice of a ſucceſſor was therefore very perplexing, and became more ſo every day, by reaſon of the factions formed in favour of the pretenders to the crown. Never was union among the great men more neceſſary. But private intereſt ſtifling the love of their country, every one proceeded according as he was engaged by family-ties, or other motives, without troubling himſelf, whe-

[z] The lord Robert de Bruce, and the [illegible] Marr and Athol. Ibid. p. 1090.

[a] The iſle of Orkney, ſays M. Weſt.

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ther right was on the ſide to which his inclination attached him.

John Baliol, and Robert Bruce, pretend to the crown of Scotland.

Among the pretenders to the crown, John Baliol and Robert Bruce divided almoſt all the ſuffrages of the kingdom. Baliol held large poſſeſſions in France, in the province of Normandy. Bruce had a conſiderable eſtate in England, and both were very powerful in Scotland, where there alliances procured them great credit. For the better underſtanding the grounds of their titles, it will be neceſſary to take a view of the genealogy of the royal family of Scotland, of which I am going to give a ſhort explanation.

Genealogy of the royal family of Scotland.

David king of Scotland had but one ſon named Henry, who dying before him, left three ſons, viz. Malcolm IV, who aſcended the throne after his grandfather, and died without heirs: William, who ſucceeded his elder brother; and David who was earl of Huntington in England. The race of William being extinct by the death of Margaret of Norway, there was a neceſſity of going back to that of David earl of Huntington, third ſon of prince Henry. David died without iſſue-male; but left three daughters, Margaret married to Alan of Galloway, Iſabella wife of Robert Bruce, and Ada wife of Henry Haſtings an Engliſh lord. Margaret, the eldeſt of the three ſiſters, left only two daughters, Deverguld, called by ſome Dornagilla, and Marjory. Deverguld, married John Baliol, by whom ſhe had a ſon of the ſame name, one of the two candidates for the crown. Marjory, wife of John Comyn, died without iſſue. Iſabella, ſecond daughter of David, had by Robert Bruce, a ſon named Robert from his father, the other candidate. Ada, third daughter of David, left a ſon called John Haſtings, who likewiſe pretended to the crown. To avoid confuſion, I ſhall defer ſpeaking of this third candidate, and confine myſelf at preſent to the two principal competitors, John Baliol, and Robert Bruce, who alone had properly a right to pretend to the ſucceſſion.

Foundation of the titles of the competitors.

It muſt be obſerved, that at the time of Margaret of Norway's death, the three daughters of David earl of Huntington were not alive. But Deverguld, daughter of the eldeſt, was ſtill living, and reſigned her title to John Baliol her ſon, who, as deſcended from the eldeſt of David's daughters, claimed a right to be preferred before all the other candidates. On the other hand, Robert Bruce ſon of the younger daughter, alledged for himſelf, that he was one degree nearer than Baliol, ſince he was grandſon to David, whereas his rival was but grandſon to the eldeſt daughter of the ſame prince. It was

objected,

objected, that Deverguld being in the ſame degree with him, ought to ſucceed, ſince ſhe was daughter to the eldeſt, whereas he was only ſon to a younger daughter of David. But he replied, that where the degree is the ſame, the males ought to be preferred to the females; and that it was the conſtant law and cuſtom of all ſtates; for which he produced ſeveral precedents, from the hiſtories of foreign countries. Thus ſtood the caſe, which could not be decided without diſpleaſing one half of the kingdom.'

State of affairs in Scotland according to the Scotch hiſtorians, Buchanan.

Here it is that we begin to find diſagreement between the Engliſh and Scotch hiſtorians. The latter affirm, things were in ſuch a ſtate, that it was impoſſible to find in Scotland impartial judges. They add, that ſuppoſing ſuch could have been found, it would have been very difficult to execute their ſentence, by reaſon of the equality of credit and power in both parties. Baliol was lord of the county of Galloway, one of the moſt conſiderable of the kingdom. He was likewiſe ſupported by the Comyns, a family of great power and intereſt. Robert Bruce held in England, the earldom of Cleveland, and in Scotland, thoſe of Anandale and Gariock. Moreover, by means of his ſon Robert, who had with his wife the earldom of Carrick, he was allied to the moſt powerful families of Scotland. Wherefore, continue they, to avoid a civil war, which could not fail to be kindled, both parties agreed to refer the deciſion of this important affair to the king of England. It was believed, all good offices might be expected from him, as well becauſe of the good underſtanding which had long ſubſiſted between the two nations, as in return for their ready conſent to the marriage of the prince his ſon, with their late queen. He was intreated therefore, ſay they, to be judge of the diſpute, and to aſſiſt the perſon he ſhould think proper to place on the throne. They add, that Edward accepted the mediation, and came to Norham, where he ſummoned the ſtates of Scotland, proteſting, he aſſembled them not as a ſovereign[b], but as a friend, that deſired them to meet the arbitrator choſen by themſelves. But this is a fact denied by the Engliſh. They affirm, that Edward ſummoned the ſtates of Scotland to Norham, not as friend and umpire, but by vertue of his right of ſovereignty over Scotland. They add, the bare conſideration of the ſituation of Norham, a town in England, plainly enough ſhows, that Edward exerciſed an act of ſovereignty, in aſſembling the ſtates of Scot-

Edward choſen umpire,

Buchanan.

and ſummons the ſtates of Scotland to Norham. Act. Pub. II. p. 528, 529.

[b] Edward himſelf ſays, that to him belongs la Soverayne Seignorie du Reaume de Eſcoce.

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land in his own kingdom. The Scots reply, this proof cannot take place, ſince upon this very occaſion Edward granted them letters patents, which entirely deſtroys it. His words are theſe: "That he did not intend that the coming of the "Scots on this ſide the Tweed, ſhould be any prejudice to "them, or that for the future, upon any account whatever, "they ſhould be obliged to come and treat with him on this "river." So expreſs a declaration, which ſeems to prove, that Edward pretended not to the ſovereignty of Scotland, is indeed only an evidence of his policy or diſſimulation; ſince he certainly deſigned then to eſtabliſh the right of ſovereignty. Accordingly, when it was once eſtabliſhed, he ſtiled his letters patents, a pure conceſſion, which might be, and was actually revoked. In the view this monarch had of cauſing his ſovereignty to be acknowledged by the ſtates of Scotland, it was by no means proper to alarm the Scots by an act of abſolute authority, before the ſtates were aſſembled. Such a ſtep might have led them to take meaſures deſtructive of his deſigns. It was much more natural and more advantagious for him, to convene the ſtates firſt, and lead them by degrees to the acknowledgment he wanted to extort from them. So probably, when he ſummoned the ſtates to Norham, he made uſe of ambiguous and cautious expreſſions, proper to hide his intention. It was not his intereſt then to diſcover it, though he intended to uſe this ſame aſſembly to ſtrengthen his right.

Buchanan pretends, that, immediately after the young queen's death, Edward formed the project of becoming maſter of Scotland. Perhaps he goes too far. It is much more likely, his firſt view was only to cauſe himſelf to be acknowledged for ſovereign, whether he imagined it his due, or had a mind at this juncture firmly to eſtabliſh his pretended right. The better to accompliſh his deſign, continues the ſame hiſtorian, he perſuaded eight other perſons, beſides Baliol and Bruce to lay claim to the crown. His intent was, according to the hiſtorian, ſo to perplex the affair, that the two chief candidates might ſee, he ſhould not want means to render their titles dubious, in caſe they were not pliant to his will. l. 8. Preface.

After theſe remarks, which are neceſſary for the ſequel, it is time to come to the deciſion of this famous proceſs. But firſt it is requiſite to obſerve, that the affair contains two things, really diſtinct from each other, namely, the right of ſucceſſion to the crown of Scotland, and the right of ſovereignty, claimed by Edward. The former appears at firſt ſight to be the moſt important, and the latter ſeems only to be an incident queſtion ariſing upon the other. But we ſhall find it be-

came the main point, by its fatal conſequences, and therefore it is not to be thought ſtrange, that I ſhould ſtay to explain it. It muſt be farther obſerved, that the particulars I am going to relate, are taken from a journal, or verbal proceſs, inſerted in the Collection of the Public Acts, made by Mr. John de Cadam, one of Edward's clerks or notaries. This obſervation ſhould induce us to read with ſome caution, what appears to be much in favour of the king of England, with regard to his claim to the ſovereignty of Scotland.

T. II. p. 542.

1291. Edward requires the ſtates of Scotland to own him for ſovereign. Act. Pub. II. p. 542. Inſtrumentum publicum.

The ſtates of Scotland being met at Norham, May 10, 1291, Roger le Brabazon chief juſticiary of England, ſpeaking by order, and in the name of the king his maſter, who was preſent, told them, that the king of England, conſidering the unſettled ſtate of Scotland, had required the ſtates to aſſemble in that place, to lay before them certain matters, tending to the preſervation of the peace and tranquillity of the kingdom: that he had no deſign to uſurp the rights of any perſon, to ſtop the courſe of juſtice, or to infringe the liberties of the people of Scotland; but, as ſovereign lord of Scotland, he was come to do juſtice to all: and that this might be done with the more eaſe, though what he claimed could not be juſtly diſputed, he demanded, as a ſuperabundant right, the ſtates recognition of his ſuperiority and direct dominion: that then he would make uſe of their counſels to do what juſtice and reaſon required. The ſtates, ſurprized at the propoſal, required time to conſult with the abſent biſhops and barons, to the end they might return an uniform anſwer in an affair of ſuch importance. Edward, in his turn, ſhowed ſome ſurprize, that the ſtates ſhould require time to give in their anſwer. He ſaid, he had reaſon to believe they were come prepared for the buſineſs, ſince they were not ignorant of his intention; and therefore he gave them only the reſt of the day to conſider of his demand. On the morrow, the ſtates inſiſting upon a longer time, the king granted them three weeks, reckoning from the 10th of May. During that time, they were to prepare their objections to his pretentions, and all the acts and documents whereby they might think to invalidate his demand.

The ſtates make no anſwer. June 2.

Though, according to the time appointed by the king, the next meeting was to be on the firſt of June, I find however in the journal, which I take for my guide, only that of the ſecond. The biſhop of Bath and Wells was ſpokeſman for the king, and recited what had been done in the two former aſſemblies: adding, that the three weeks granted to the ſtates being expired, and they had not produced or alledged

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any thing to invalidate his right, his intention was, to act by virtue of his acknowledged ſovereignty over the kingdom of Scotland, and as ſovereign, to do juſtice to the claimants.

Remarks on the ſilence of the ſtates.

But us ſtay a moment to make one remark upon this ſubject. How good an opinion ſoever a man may have of the faithfulneſs of Edward, and the notary that drew up the journal, he cannot help perceiving, there is ſomething wanting here. In the two preceding aſſemblies, Edward produced his pretenſions to the ſovereignty of Scotland. The ſtates, far from immediately owning this ſovereignty, require time to conſult together upon ſo nice a point. The king grants them three weeks, which being expired, in the firſt meeting, mentioned in the journal, the chancellor of England begins with ſaying, the ſtates had produced or alledged nothing againſt the king's pretenſions. Ought he not rather to have begun with calling upon the ſtates for their anſwer, which the journal ſhould mention, either by relating their objections or aſſent, or at leaſt by declaring they had returned no anſwer, and then the chancellor's ſpeech would have been to the purpoſe? But inſtead of that, he begins with declaring, that the ſtates having nothing to ſay againſt the king's pretenſion, Edward was reſolved to make uſe of his right. This makes it ſuſpected, either that the account of what paſſed that day is curtailed, or the day before there was another aſſembly, wherein the ſtates had produced their proofs, but which the author of the journal did not think proper to mention. For according to the time fixed by the king, there was to be an aſſembly on the firſt of June, whereas this was not till the ſecond. But I offer this only as a conjecture, on which I do not pretend to eſtabliſh any thing. The grand difficulty lies, in that, after a three weeks conſultation, it is ſtrange, the ſtates of Scotland ſhould have nothing to anſwer or object to Edward's pretenſions. It is certain, that hitherto the ſovereignty of the crown of England over Scotland, had never been ſo generally acknowledged, that the bare notoriety ſhould ſilence the ſtates. Of this there needs no other proof than the marriage-articles before-mentioned, where the Scots had taken ſo great care to maintain their independence. In the ſecond place, the time they took to conſult about the king's demand, plainly ſhows, they were not fully perſuaded of their ſubjection to the crown of England. In ſhort, Edward's very precaution in requiring this acknowledgment, teſtifies that the thing was at leaſt doubtful. It is not cuſtomary to act in ſuch a manner, when a man has a known and undeniable right. If it be true then, that the ſtates returned no anſwer to the king's demand, it

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muſt be thought, either they were over-awed, or the two principal candidates united, and caballed with the ſtates not to oppoſe Edward's pretenſions. Probably, they were afraid by this incident, of retarding the deciſion of the main affair. But to return to our journal.

Edward owned for ſovereign by all the claimants.

The high-chancellor having ſpoken as is related in the journal, and taking his maſter's right for granted, addreſſed himſelf firſt to Robert Bruce, and demanded whether he would acknowledge the king of England for ſovereign of Scotland, and receive juſtice from him as ſuch. The journal adds, Robert Bruce anſwered expreſsly, that he owned the king of England for ſovereign lord of the realm of Scotland, and conſented to receive from him as ſuch, the judgment he ſhould think fit to pronounce. The ſame queſtion being put to Florence earl of Holland, and the lord Haſtings[c], they both made the ſame anſwer. After that, Patric of Dunbar earl of March, William de Ros, Walter de Huntercumbe, William Veſcy by proctor, Robert de Pynkeny, and Nicolas de Soules, appeared, and demanded to be admitted ſeparately, to prove that the crown of Scotland was devolved to them by right of ſucceſſion. The ſame queſtion was put to them, as to the three firſt, concerning Edward's right; to which having returned the ſame anſwer, their petition was received. John Baliol being abſent, his gentleman of horſe[d] ſtood up, and alledging ſome excuſe for his maſter's abſence, demanded, in his name, that he might be heard the next day, which was granted him.

The proteſtation of Edward. June 3.

On the morrow, after the chancellor's recapitulation of what had paſſed to that time, Baliol, who was preſent, was aſked the ſame queſtion as the reſt of the candidates, and made the like anſwer. Then the chancellor proteſted aloud in the king's name, "That although the king of England acted on "this occaſion as ſovereign lord of Scotland, he did not in-"tend thereby to depart from the hereditary right he might "have to the crown of that kingdom, or to exclude himſelf "as to the property. That he expreſsly reſerved to himſelf "the liberty to proſecute his right, as the reſt of the candi-"dates, when and how he pleaſed." As ſoon as the chancellor had done ſpeaking, the king repeated word for word, the ſame proteſtation with his own mouth. Then John Comyn, lord of Badenoch, roſe up, and demanded leave to prove his lawful right to the crown. His requeſt was granted, after recogniſing, like the reſt, the king of England's ſove-

[c] Lord of Abergavenny. [d] Thomas Randulph. Rymer's Fœd. tom. ii. p. 560.

reignty.

reignty. What concerned Edward being thus ſettled, the candidates drew up a writing, whereby they acknowledged him ſovereign lord of all Scotland. The writing was ſigned and ſealed by all, and particularly by Robert Bruce and John Baliol. As for the ſilence of the ſtates on this occaſion, Edward, without giving himſelf any farther trouble, took it for an aſſent, and became poſſeſſed of the ſovereignty. Authentic acknowledgment of the claimants.

This ſtep being taken, the king proceeded farther. He repreſented to the competitors, it would be in vain to give ſentence in favour of one of them, if it was not in his power to put it in execution. Upon this foundation, he demanded the poſſeſſion of the kingdom, that he might be able to deliver it to the perſon that ſhould be declared king. To this the candidates conſented, and ſigned an inſtrument according to his deſire; as if their bare pretenſions to the crown had empowered them to diſpoſe of the kingdom as they pleaſed. In the writing, they own the king of England for ſovereign lord of Scotland, and as ſuch, for judge of the proceſs concerning the ſucceſſion. They promiſed to hold for good and valid, the judgment he ſhould pronounce. They agreed he ſhould be put in poſſeſſion of all the caſtles, and the whole kingdom, in order to reſtore it to him to whom it ſhould be adjudged. They added however this condition, that he ſhould be obliged to reſtore it within two months after judgment given, in the ſame ſtate he received it, ſaving to him the homage of the new king. Edward is put in poſſeſſion of the kingdom. Act. Pub. II. p. 553. M. Weſt. Walſingh. Knighton. Act. Pub. p. 556.

What had been hitherto done in favour of Edward, was only the acts of private perſons; but among them were Bruce and Baliol, who divided all Scotland between them, and conſequently their approbation drew after it that of the whole kingdom. In thoſe days of anarchy, the regents had no great authority, neither did they dare to do any thing diſpleaſing to the king, or the two chief candidates, one of whom was to be their maſter. As to the ſtates, after Edward perceived they were diſinclined to favour his pretenſions, he conſulted them no more. As they were aſſembled out of Scotland, and in the power of the king, they were not free to take ſuch meaſures as they ſhould have deſired: ſo the king met with little oppoſition from the governors of the caſtles, when he came to take poſſeſſion of the kingdom. William de Umfraville, who had the cuſtody of the caſtles of Dundee and Forfar, was the only perſon that made any reſiſtance. He conſidered the act above-mentioned as very irregular, and could not reſolve upon ſuch a warrant to deliver up the places committed to his truſt, neither by the king of England, nor by the Act. Pub. II. p. 554.

candidates. It was neceſſary that the competitors, regents, and king himſelf, ſhould bind themſelves by an expreſs act to indemnity him, in caſe he ſhould one day come to be called to an account.

Whatever Edward's pretenſions were, it is certain the ſovereignty of the crown of England had never been acknowledged in Scotland. Therefore, the Scots in general could not but look upon the proceedings of the candidates, and the regents themſelves, as a manifeſt prevarication. And yet, it was very difficult to act otherwiſe. All the great men were gained either by Edward's promiſes, or awed by his threats. The troops he had ordered to march to Norham, under colour of guarding the ſtates of Scotland, did not a little help to inſpire them with terror; ſo they were forced to do whatever he pleaſed. It was neceſſary however for the regents to give the people ſome ſatisfaction, in ſhowing them they took care of their intereſts. To that end, they demanded of Edward letters patents, declaring that the judgment of the proceſs ſhould be given in the kingdom of Scotland. Edward conſidering this as a ſort of approbation of his ſovereignty, becauſe the demand was ſo expreſſed as not to offend him, readily condeſcended to their moſt humble petition, and ordered the deſired letters might be diſpatched out of hand.

Edward's conceſſion.

Examination of the proceſs concerning the crown. Act. Publ. II. p. 533, &c.

The affair of the ſovereignty being thus ended, though without the intervention of the ſtates, the titles of the competitors for the crown were to be examined, that the king might know the ground of their reſpective pretenſions. To that purpoſe, it was agreed among them, that Baliol and Comyn, as well for themſelves as for all the candidates, ſhould nominate forty perſons, and Robert Bruce, in like manner, ſhould chuſe forty others, to hear and diſcuſs the rights of the competitors. That to theſe, the king ſhould add about twenty-four more; and that theſe commiſſioners, after a mature examination, ſhould make their report to the king.

June 5. In the aſſembly of the 5th of June, nothing more was done, than giving in the names of the examiners that were choſen.

Berwick is appointed for the place of hearing. June 6. The next day, the king ordered the examiners to appoint the time and place of meeting, for their examination. All agreed upon Berwick, a town in Scotland, ſituated on the Tweed. But as they could not agree upon the day, the king fixed it to the 2d of Auguſt following.

There was another aſſembly at Norham, where the regents of Scotland reſigned their patents to the king, and the gover-

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nors of the castles their commissions, to be disposed of at his pleasure. Edward received, but returned them again, with the necessary alterations, to show that they governed in his name. The same day he made the bishop of Caithness chancellor of Scotland, and joined with him Walter de Hamondesham, an Englishman, one of his clerks, as an associate. *The regents and governors resign their commissions to Edward, who restores them.*

On the 12th of June, Edward issued orders to all that held any office in the kingdom of Scotland, to come and swear fealty to him, which was done that day by all that were present [e]. The competitors took the same oath, after which, the assembly broke up till the day appointed for the meeting at Berwick [f]. *June 11. Fealty is sworn to Edward. June 12.*

Though it was still a good while to that day, Edward came quickly after, and on the 3d of July made the following protestation: "That although he had granted, that the affair of "the succession should be tried in the kingdom of Scotland, "he did not intend to bind himself to the same condescension, "if the like case should happen again, or on any other occa-"sion." Probably the assembly, before whom he made this declaration, was neither full, nor authorized, since the examiners were not to meet at Berwick till the 3d of August, that is, a month after.

The day being come, the examining commissioners met at Berwick, in the presence of the king, and received the petitions of the candidates, in the following order. But because these petitions, containing the grounds of their pretensions, were founded on the genealogy of the royal family of Scotland, it is necessary to see this genealogy, though supposititious, without which it would be difficult to understand their reasons. *August 3. Act. Pub. II. p. 575.*

Florence earl of Holland, showed, he was descended from Ada, daughter of prince Henry, and sister of the kings Malcolm IV. and William.

Patric de Dunbar, earl of March, founded his claim upon his descent from Iida, daughter of king William, and sister of Alexander II.

[e] None took the oath of allegiance on June 12, [illegible] See Rymer's Fœd. tom. ii. [illegible]

[f] In the [illegible] June [illegible] in the kingdom of Scotland, and the [illegible] and burgesses of each city and town therein, did, during the months of June and July, swear allegiance to king Edward; and the inhabitants of Berwick in particular, [illegible] among whom are mentioned Ralph Phelype, Robert Olyver, John de Knapton, Thomas le Bether, &c. See Rymer's Fœd. tom. ii. [illegible]

William de Veſcy aſſerted, he was iſſue of Margaret, daughter of king William.

Robert de Pynkeny affirmed, he came from Margaret, daughter of prince Henry, and ſiſter of the kings Malcolm and William.

Nicholas de Soules ſaid, that being grandſon of Alexander II. by Marjory, ſecond daughter of that king, and the race of Margaret, eldeſt ſiſter of his mother, being extinct, the crown was devolved to him as next heir.

Patric Galythly founded his claim on his being grandſon to king William, by Henry ſon of that prince. Probably Henry, father of Patric, was a baſtard, ſince had he been legitimate, his ſon's title would have been indiſputable.

Roger de Mandeville claimed the crown as ſon of Alfrica, daughter of king William.

John Haſtings maintained, that the kingdom of Scotland being diviſible, ought to be parted among the deſcendants of the three daughters of David earl of Huntington, the youngeſt of whom was his mother.

Robert de Ros called himſelf iſſue of Iſabella, eldeſt daughter of king William, and ſiſter of Alexander II.

John Comyn derived his claim higher, namely, from Donald formerly king of Scotland.

John Baliol ſet forth, that he was ſon of Deverguld, eldeſt daughter of Margaret, the eldeſt of the daughters of David earl of Huntington; and the race of king William being extinct, he was the next heir to the late queen. It muſt be obſerved, he took it for granted in his petition, that Marjory and Iſabella, eldeſt daughters of Alexander II. died without iſſue, though Nicholas de Soules called himſelf ſon of the firſt. After that, paſſing over in ſilence Henry, Iſabella, Ilda, Margaret, and Alfrica, children of king William, from whom Galythly, Ros, Dunbar, Veſcy, and Mandeville, profeſſed themſelves deſcendants, he proceeded to the family of David, younger brother to king William. His ſilence leaves room to preſume, either theſe competitors had falſely ſet forth their genealogies, or thoſe from whom they derived their deſcent were baſtards, otherwiſe their iſſue would have had more right to the crown than David's. Accordingly we ſhall ſee in the ſequel, that their pretenſions were not regarded at all. It may be farther obſerved, this favours what is ſaid by Buchanan, that Edward engaged eight candidates, beſides Baliol and Bruce, to demand the crown, on purpoſe to puzzle the cauſe. And indeed it is eaſy to ſee, that of all the above-named, Baliol excepted,

there

there was not one that had the leaſt title to the ſucceſſion, ſuppoſing, as is very likely, that they were deſcended from baſtards; and that Nicholas de Soules had not truly ſet forth his genealogy.

Robert Bruce alledged, that he was by one degree nearer than Baliol, ſince he was grandſon of David, whereas his rival was only grandſon of his daughter. That indeed Deverguld was in the ſame degree with himſelf, but could not claim the crown, becauſe it was the cuſtom to prefer the males before the females, in the ſame degree of conſanguinity. To ſtrengthen his title, he added, that Alexander II. declared him his heir, in caſe he died without iſſue, and offered to prove it by living witneſſes. Moreover, he maintained that Alexander III. always looked upon him as his preſumptive heir, and declared it to ſuch as were familiar with him.

All theſe petitions being read, and the king, ſays the journal, willing to give the commiſſioners time to examine them, appointed the ſecond of June of the enſuing year 1292, for another aſſembly [g], where the candidates might more fully urge their reſpective rights.

I ſhall make uſe of this interval to examine as briefly as poſſible, the grounds on which Edward built his right of ſovereignty over Scotland. We find them at large in a memorial drawn by that prince's order. And becauſe this memorial is frequently alledged by the Engliſh authors, as containing the juſtifying proofs of the right of ſovereignty enjoyed immemorially by England over Scotland, it will not be amiſs to give an abſtract thereof, to the end the reader may be perfectly informed concerning this matter.

PROOFS alledged by EDWARD I. to eſtabliſh the right of ſovereignty of the kings of ENGLAND over SCOTAND.

IN the year 901, Edward the Elder, king of England, ſubjected to his dominions the kings of the Scots, Humbrians, and Welſh [h], as appears in the hiſtories of Marianus Scotus, Roger de Hoveden, and William of Malmſbury. Act. Pub. II. 7. 539. M. Weſt. p. 400, &c. Wilking. Knighton.

In the year 921, the king of Scotland, Reginald king of the Danes, the Engliſh of Northumberland, the king of Wales

[g] A parliament. Ibid. p. 580.

[h] It is in the original Stregewallorum, the ſame as are called in the Saxon Annals, Streckelwallas. They were the people that inhabited about Galway in Scotland, and being perpetually harraſſed with the incurſions of the Picts and Scots, retired into Flintſhire, above the river Clwyd. See Camden in Flintſhire.

and his subjects, chose Edward the Elder for their father and lord, and made a strict alliance with him. Marianus Scotus, Roger de Hoveden.

In the year 924, the same Edward reigned over all the inhabitants of Great Britain, English, Scots, Cumbrians, Danes, and Britons. Marianus Scotus, Roger de Hoveden.

In the year 926, king Athelstan, son of Edward, vanquished Constantine king of Scotland, together with the king of Wenti [1], and compelled them to fly. After the victory, they took an oath to him, and concluded an alliance with him at Emothe, July the 4th. Marianus Scotus, Roger de Hoveden.

We find in the Histories of William of Malmsbury, Henry of Huntington, and Ralph de Diceto, that Athelstan forced Constantine king of Scotland to quit his crown; and afterwards gave him leave to resume it, on condition he should hold it of the kings of England, saying, "It was "more glorious to make kings, than to be one."

In 934, the same Athelstan vanquished Constantine, who had revolted, and ravaged Scotland as far as Dunferd. Constantine gave him his son in hostage, with great presents, and a peace was concluded between them. Marianus Scotus, Roger de Hoveden, Henry de Huntington, Ralph de Diceto.

In the year 937, Eugenius king of Cumberland and Constantine king of Scotland, met Athelstan at Dacor, and submitted to his mercy. Athelstan, commanding Constantine to cause his son to be baptized, stood godfather himself. William of Malmsbury.

In 940, Athelstan was succeeded by Edmund, who reigned four years, during which the Scots revolted not.

In 947, Edred, brother and successor of Edmund, having vanquished the Northumbrians, carried his arms into Scotland. The Scots, seized with fear, submitted without resistance, and swore the fealty that was due to him. Edred set over the Scots a king, called Yric. Marianus Scotus, William of Malmsbury, Henry de Huntington.

In the year 955, Edwy was king of England after Edred, and reigned four years, without any revolt of the Scots.

In 997, Edgar king of England having summoned to his court Keneth king of Scotland, Malcolm of Cumberland, and six other kings, made them row in his barge, which he himself steered. He find upon that occasion, as it is affirmed,

[1] In our printed angles of Hoveden, they are called Westernoi: probably South Wales.

that

that his ſucceſſors might now boaſt of being really kings of England, ſince they enjoyed ſo great a prerogative.

Another time, the ſame Edgar being informed, that Keneth had ſpoken ill of him, ſent for him to his court, and walking with him into the fields, offered him the choice of two ſwords, to fight with him: Keneth refuſed it, and caſting himſelf at Edgar's feet, begged his pardon, and obtained it. Marianus Scotus, Roger of Hoveden, William of Malmſbury, Henry of Huntington, Ralph de Diceto.

During the Reigns of Edward the Martyr, Ethelred II. and Edmund Ironſide, the Scots did not revolt.

In 1017, Canute the Great, at his return from Rome, in the fifteenth year of his reign, ſubdued Scotland with eaſe, which had revolted, and king Malcolm was ſubject to him: Canute was king of England, Denmark, Norway, and Scotland. Marianus Scotus, William of Malmſbury, Henry of Huntington, Ralph de Diceto.

It does not appear that the Scots revolted during the reigns of Harold II. and Hardicanute.

In the reign of Edward the Confeſſor, Siward earl of Northumberland vanquiſhed Macbeth king of Scotland, and ſlew him; after which, by the command of king Edward, he placed Malcolm, ſon of the king of Cumberland on the throne of Scotland. Ibid.

There are likewiſe theſe words in the Hiſtory of William of Malmſbury: "King Edward gave the kingdom of Scot-"land to Malcolm, ſon of the king of Cumberland, to hold it of the crown of England."

There is nothing concerning the Scots whilſt Harold II. was on the throne of England.

William the Baſtard, having marched into Scotland, in the ſixth year of his reign, Malcolm met him at Aberneth, where he did him homage, or became his man. Chron. of St. Alban's.

In the ſame Chronicle it is ſaid that William returned into England, after receiving the homage of Malcolm, and ſome hoſtages.

In the third year of William Rufus, Malcolm revolting, and ravaging Northumberland, William, accompanied by Robert his brother, led his army into Scotland, and made peace with Malcolm, on condition that Malcolm ſhould obey him, as he obeyed William his father. Marianus Scotus Roger de Hoveden.

Henry of Huntington ſays, Malcolm, ſeized with fear, became king William's man[k].

The ſame king dethroned David of Scotland, and placed Edgar, ſon of Malcolm, in his room.

Edgar king of Scotland dying, Alexander I. his brother, ſucceeded him by the conſent of Henry I. king of England. Henry of Huntingdon.

Stephen king of England, having demanded homage of David king of Scotland, and upon his refuſing it, becauſe he had taken an oath to Matilda, Henry his ſon did homage to king Stephen. Marianus Scotus, Henry of Huntington, Roger de Hoveden.

William king of Scotland, David earl of Huntington his brother, the earls and barons of Scotland, did homage to Henry II. king of England, and ſwore fealty[l] to him.

In the year 1174, William king of Scotland, ravaging England, was taken priſoner, and delivered to king Henry II, who ſet him at liberty, on condition he ſhould do him homage for the kingdom of Scotland.

As the treaty between theſe two kings has been ſpoken of elſewhere, it is needleſs to repeat it here. It ſuffices to ſay in a word, that William, to obtain his liberty, was forced to promiſe to do full homage to Henry II. for the kingdom of Scotland, and performed his word. This is the beſt proof in favour of Edward, and accordingly he chiefly inſiſts upon it in the memorial, entering into a long detail, which amounts to what is above related.

In the reign of Richard, the Scots were not found to revolt. On the contrary, William came to Canterbury, to do homage to Richard.

[k] That is, did him homage, the form of which you have in the ſecond ſtatute of Edw. II. When a man ſhall do homage, he ſhall hold his hands together between the hands of his lord, and ſhall ſay thus on his knees, "I become your man from this day forth, for life, for member, and for worldly honour, and ſhall owe you my faith for the land I hold of you, ſaving the faith I owe to our ſovereign lord the king, and to my other lords." The eccleſiaſtics ſay, inſtead of "I become your man," "I do you homage, and to you ſhall be faithful and loyal."

[l] Fealty, from the Latin, Fidelitas: the form of it ſee in ſtatute 14 Edw. I. Stat. 1. When a freeman ſhall do fealty, he ſhall hold his right hand over the book, and ſay, "Hear you, my lord, that I, A. B. ſhall be to you "faithful and true, and ſhall owe my "fealty to you, for the land that I "hold of you, and truly ſhall do you "the cuſtoms and ſervices that I ought "to do you at the terms aſſigned, ſo "help me God and all the ſaints." He that holdeth land by fealty only, holdeth in the freeſt manner that any man in England under the king may hold.

Edward

Edward wiſely paſſes over here in ſilence the letters patent of Richard I. whereby he relinquiſhed the ſovereignty of the kingdom of Scotland.

The ſame William came and did homage to king John at Lincoln, and ſwore fealty to him upon the croſs of Hubert archbiſhop of Canterbury. Roger de Hoveden.

The ſame king John would have made war upon William, for having, without his conſent, married his daughter to the earl of Boulogne. This is extant in the Chronicle of the Monaſtery of Bridlington. It is ſaid alſo in the Chronicle of the Abbey of Kyngelwode, that William gave his two daughters in hoſtage to king John.

Henry III. in the thirty-fifth year of his reign, came to York, to marry his daughter to Alexander king of Scotland, and the latter did there homage to the king of England. The guardianſhip of the young king, and the regency of the kingdom, were conferred on Robert de Ros and John Baliol, by the advice of the great men of both kingdoms. Chron. of St. Alban's.

To ſtrengthen all theſe proofs, Edward heaped together ſome paſſages extracted from divers charters and ſeveral bulls, and from a book intitled the Life of St. John of Beverly.

In a charter of Edgar king of Scotland, granted to the church of Durham, that prince acknowledges he holds the land of Londoney, and the whole kingdom of Scotland, by the grant of William king of England, his lord.

In another charter, William king of Scotland grants to king John of England, his dear lord, the power of marrying Alexander his ſon, prince of Scotland, to whom he pleaſed. Moreover, he promiſes king John, that, whatever happens, he, and prince Alexander his ſon, will be true to Henry, ſon of John, as their ſovereign lord.

In a brief of Gregory IX. that pope ordered the barons of Scotland to join with the king of England againſt their own prince, in caſe he ſhould break the treaty made with Henry II.

The ſame pope, in another brief, commanded the archbiſhop of York and the biſhop of Carliſle to perſuade the king of Scotland to keep the treaty.

In another, directed to the king of Scotland, the ſame pope told him, that ſince he was liege-man to the king of England, and had ſworn fealty to him, he ought not to attempt any thing againſt him.

Pope

Pope Clement, writing to Henry king of England, in behalf of the biſhop of St. Andrew's, diſpoſſeſſed of his ſee by the king of Scotland, requires him, among other things, to warn, exhort, and, if neceſſary, to force that prince, by the power committed unto him, to reſtore the biſhop.

The proof taken from the Life of St. John of Beverly, the author whereof is unknown, conſiſts of this narrative: King Athelſtan carrying his arms into Scotland, meets by the way certain people, who were juſt cured of blindneſs and lameneſs by the interceſſion of St. John of Beverly: whereupon he reſolves to go and perform his devotions in the church where the body of the ſaint lay. After ſaying his prayers, he left his dagger on the altar, as a pledge of what he had promiſed the ſaint, in caſe he ſucceeded in his undertaking. Then entering Scotland, St. John appears to him, and aſſures him of his aſſiſtance. Upon this aſſurance Athelſtan attacks the Scots, and gains a ſignal victory. After that he ſubdued the whole kingdom of Scotland, and ſtayed there three years. In his return to England a great rock ſtood in in his way, and he beſought God, through the mediation of St. John of Beverly, to give him ſome ſign whereby the ſpectators might know the Scots were juſtly ſubdued by the Engliſh, and the conquered kingdom ought for ever to pay tribute to his ſucceſſors. Then drawing his ſword, he ſtruck the rock, which yielded like butter, and made a hole in it an ell deep. Whereupon the author adds, this is an evident ſign Scotland was ſubjected to the Engliſh.

Edward produced ſome other teſtimonies, but without naming his authors, to ſhow the lords of Galloway had done homage to the king of England.

In 1185, Roland lord of Galloway ſubmitted to the king of England, fearing, as it is preſumed, ſays the author, the power of that monarch, who was advancing with a great army to make war upon him.

Henry II. king of England, having received the homage of Alan of Galloway, and of David brother of king William, returned into his dominions.

In the twenty-ſecond year of Henry II. Gilbert ſon of Fergus lord of Galloway, came with the king of Scotland into England, where he became liege-man of Henry the father, and ſwore fealty to him. Which done, in order to gain his good will, he gave him a thouſand marks of ſilver and his ſon Duncan in hoſtage.

Theſe are the proofs uſed by Edward to juſtify his right of ſovereignty over Scotland. As it paſſes for certain among ſeveral

ſeveral Engliſh hiſtorians, that Edward undeniably proved his right from ancient chronicles, I imagined the reader would not be diſpleaſed to be able to judge for himſelf, without being obliged to recur to the writers of both parties. For which reaſon I have retrenched none of the proofs, though ſome of them are far from being evident.

Certainly there is reaſon to think it ſtrange that the Scots ſhould find nothing to object to theſe proofs, the greateſt part whereof are very weak, not to ſay entirely trifling. But it muſt be conſidered, they were in England over-awed by the preſence of the king, and that Bruce and Baliol, who were in great credit, did all that lay in their power to prevent any incidents that might retard the deciſion of the main affair. However, ſince Edward ſupported his pretenſions by the proofs ſet forth in the memorial, and the homage required of the kings of Scotland was the ſole cauſe of the war which was afterwards kindled between the two nations, it will not be needleſs to throw ſome light upon this matter, by adding what the Scots might have alledged againſt the proofs, if powerful motives had not induced them to ſilence; and what they actually did object, in more favourable circumſtances.

In the firſt place, they might ſay, it was neceſſary to diſtinguiſh two things, which Edward affected to confound in the memorial; namely, the ſuperiority of the forces of the kings of England, and their frequent advantages over the Scots, from the pretended acknowlegement made by the kings of Scotland, that they held their crown of the kings of England. The latter was the main point in diſpute, and yet the proofs alledged in the memorial chiefly relate to the former.

2. The buſineſs was not to prove in general, that the kings of Scotland were frequently conſtrained to make diſadvantageous treaties, and afterwards ſwear to them. The acts themſelves ſhould have been produced, and ſhown to contain an expreſs acknowlegement of the ſovereignty of the kings of England over Scotland. It was farther neceſſary to prove the continuance of this acknowlegement by the homages of the kings of Scotland upon every new acceſſion to the thrones of both kingdoms, according to the conſtant cuſtom practiſed by vaſſals for many ages. But this was not done by Edward.

3. When Edgar, king of Scotland, owned in his charter to the church of Durham, that he held his kingdom of William Rufus, that acknowledgment did not import a confeſ-

ſion that the crown of Scotland depended on that of England: it was only a declaration, that by the aſſiſtance of the king of England he had mounted the throne of Scotland, ſeized by an uſurper, as appears from the hiſtory.

4. The ſame charter, one of Edward's principal proofs, is affirmed to be a forgery by the Scotch writers, and oppoſed with ſuch ſtrong chronological arguments, as ſeem to demand our aſſent.

Anderſon's Eſſay, p. 86. 5. As to what paſſed between Henry II. and William king of Scotland; it is very true, William did full homage for his whole kingdom: but it is no leſs certain, it was in conſequence of a treaty, where that homage was expreſly ſtipulated for the captive king's liberty. And therefore it is evident he was not ſubject to it before, ſince there was no need of binding him to it by a treaty. And this is what would never have been thought of, unleſs the war had been undertaken on account of the homage, which is not fact. Beſides, this homage, which was only a conſequence of William's captivity, was not continued by his ſucceſſors, ſince Richard, ſon of Henry, entirely renounced it, as we have ſeen in the reign of that prince.

6. As for the reſt of the proofs, which are much weaker, they are not only taken from Engliſh writers, or ſubjects of England, who for the moſt part lived long after the events they relate, but are founded on uncertain expreſſions, which do not neceſſarily bear the ſenſe contended for by Edward.

7. Had Edward no other proofs to alledge, but the teſtimonies of ſome partial hiſtorians? Why did he not produce the homages of the ancient kings of Scotland, as he did that of William to Henry II? If the point had been only to prove the homage for the earldom of Huntington, he would have no occaſion to conſult the hiſtorians, his own records would have ſupplied him with proofs. What is the reaſon then, that it was more difficult to preſerve the homages for the kingdom of Scotland? If the king of France could have proved his ſovereignty over Guienne and the earldom of Ponthieu, only by paſſages taken from French authors, there is room to queſtion whether Edward would have ſubmitted to do him homage for theſe two provinces.

8. The Scots might alledge, that when Henry III. demanded the king of Scotland's aſſiſtance againſt the earl of Leiceſter, he owned in expreſs terms, that the aſſiſtance was given him out of friendſhip, and not out of duty.

9. The

9. The ſame Henry would have had Alexander III. his ſon in law, do homage for the kingdom of Scotland; but Alexander refuſed it, and would do it only for the lands he held in England.

10. Edward himſelf being deſirous that the ſame Alexander III. his brother-in-law, ſhould aſſiſt at his coronation, gave him letters patent, acknowledging that the preſence of that prince was not of duty, and that he aſſiſted at the ſolemnity only out of friendſhip, and to do him honour, without being any ways obliged thereto.

11. When the ſame Alexander did homage to Edward, he made an authentic declaration, that he did not mean to do homage for the kingdom of Scotland, but only for the lands he held in England, and his homage was received with that limitation.

12. The Scots might farther ſay, that the homage done for the lands in England by a Scottiſh king, had no relation to the kingdom of Scotland. In like manner the king of England, in doing homage to the kings of France, did not intend to make the kingdom of England dependant on the crown of France, but only to acknowledge the dependency of the lands they held in that kingdom.

13. Laſtly, Homage was frequently paid for penſions; for inſtance, the earls of Flanders did it to the kings of England upon that account, as did the earl of Savoy for a penſion of two hundred marks. So, barely to ſhow the kings of Scotland did homage to the kings of England, was no proof of the point in queſtion. It ſhould have been proved, that theſe homages were for the kingdom of Scotland, either by letters patent of the kings of Scotland themſelves, or by the inſtruments of the homage well atteſted, according to the uſual cuſtom. But Edward produced no other act, but that of William's forced homage, renounced by king Richard.

As to the paſſages extracted from the papal bulls, they could amount to no proof, ſince the Scots did not deny that their kings were vaſſals to England for the earldom of Huntingdon, and other lands on the frontiers. But they denied them to be ſo for the kingdom of Scotland, which the bulls did not affirm.

I ſay nothing of the extract taken from the life of St. John of Beverly, ſince there is no reaſon to doubt that Edward ſeriouſly intended to draw a proof from ſo ill-atteſted, or rather ſo ridiculous a miracle, and from a hiſtory whoſe author is unknown.

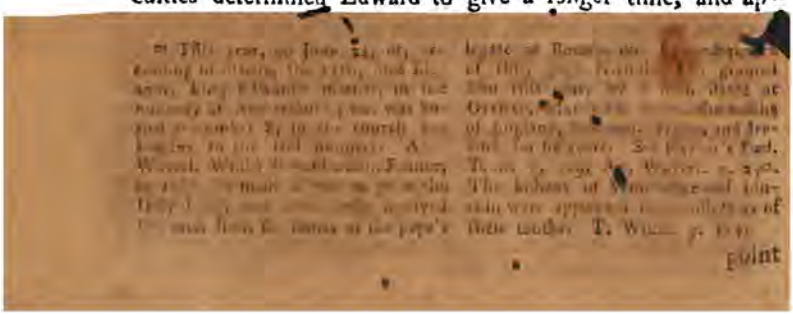
Theſe anſwers are not arguments made by me for the Scots. The greateſt part are the ſame that Boniface VIII. uſed in his letter to Edward, to diſſuade him from any attempt upon Scotland, as will be ſeen hereafter. Let us return now to the deciſion of the affair of the ſucceſſion, from whence I made this digreſſion [m].

1292. Sequel of the affair of the ſucceſſion. June 12. Act. Pub. T. ii. p. 580.

The day appointed by Edward being come, all the candidates, with the examiners, repaired to Berwick, where Edward was preſent. At the firſt meeting, the king of Norway's ambaſſadors appeared, and demanded the crown for the king their maſter, father of the late queen. Their petition being received, after a recognition of the king of England's direct dominion over Scotland, thoſe of the other competitors were read, each in its turn, and the commiſſioners began to examine them. But Edward, ſays the journal, conſidering the examination would be very tedious, and conſequently prejudicial to Scotland, took another courſe. He moved, and his motion was approved, that the titles of John Baliol and Robert Bruce ſhould be firſt examined, without prejudice of the others, which ſhould be afterwards diſcuſſed.

Queſtion propoſed by Edward, and left undecided.

The firſt queſtion which was put, was, by what laws and cuſtoms judgment was to be given? And upon this, Edward required the previous advice of the examining commiſſioners. It was not poſſible for them to agree in deciding this point. After long debates, they told the king, they could not give him their advice, without farther deliberation, and deſired him to add to them the four and twenty Engliſh, according to the agreement. This expedient did not promote the deciſion. The Engliſh commiſſioners reported to the king, that the Scots were ſo divided in opinion, concerning their own laws, that it was very difficult to ſettle ſo diſputable a point. Adding, they durſt not themſelves, for that reaſon, give him any advice upon ſo nice a queſtion. Theſe difficulties determined Edward to give a longer time, and ap-



point

point the 14th of October following, for the day of the first assembly [n].

The commissioners being met at the time appointed, Edward asked them these three questions: 1. By what laws and customs judgment was to be given? 2. How he was to proceed, in case the customs of England and Scotland should be uncertain, or opposite? 3. Whether judgment was to be given concerning the kingdom of Scotland, otherwise than concerning earldoms, baronies, and other fees of the crown of England? The delay granted by Edward, had given the examiners new light. They who could not agree upon the first question in August, were unanimous in October. To the first they made answer, that in case there were any certain laws or customs in the king's dominions, by them he ought to proceed. To the second, that if in his territories there was no certain law, he might establish a new one. To the third, that the kingdom of Scotland was to be judged in the same manner as other indivisible fees. It is easy to see, that these preliminary questions tended only, as is plain from the answers, to establish Edward's right of sovereignty, a right which he constantly supposed, without allowing it to be contradicted.

He proposes three questions. Octob. 13, 14.

Answers.

Edward, upon these decisions, ordered Bruce and Baliol to be called, and asked, whether they had any thing to say, to strengthen the reasons alledged in their petitions? They replied, they desired to add something farther by word of mouth, and Bruce began first. 1. That the succession of a crown ought to be settled by the natural right by which kings reign, and not by the laws common to subjects, and, according to natural right, the nearest ought to succeed. 2. That for the same reason, though private inheritances were divisible, and the eldest had some privilege by the laws observed among subjects, it was not so with regard to a kingdom, to which the next heir ought to succeed without any division. 3. He maintained, that in Scotland, the crown had been adjudged to the collateral branch, preferably to the direct, and the succession in the family of the eldest, was not so established, as to be prejudicial to him, since in that very kingdom, brothers had several times been preferred to sons. 4. He took it for granted, that though he was in the same degree as Deverguld,

Reasons alledged by Robert Bruce.

n [illegible]

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he ought however to ſucceed, becauſe he was the next male-heir.

Reaſons and replies of John Baliol.

John Baliol anſwering in his turn, founded his right on the genealogy of the royal family, and ſhewed he was deſcended from the eldeſt of the daughters of David earl of Huntington, whereas Bruce ſprung only from the ſecond. He anſwered the reaſons of his competitor, and maintained, that the cuſtom, as well of England as Scotland, was, that the deſcendant of the eldeſt daughter, though more remote, was preferable to a nearer, coming from the younger. As to what Bruce alledged concerning natural right, and the right of kings, he anſwered, to decide that, belonged to the king of England, as immemorial ſovereign, and direct lord of Scotland. As for the inſtances, produced by Robert, of brothers preferred to ſons, he affirmed, it was never done in Scotland, but by way of uſurpation and violence. That, when ſuch a thing happened, the kings of England, as ſovereigns, rectified it, by placing the ſon on the throne. To prove his aſſertion, he alledged the example of Edgar, whom William Rufus put in poſſeſſion of the crown, uſurped by Donald. Laſtly, he maintained, that, ſuppoſing what Robert advanced was inconteſtable, it could be no advantage to him. Indeed, it appeared from thence, that ſometimes the nearer was excluded, to make room for the more remote, a brother being undeniably farther removed than a ſon. I ſhould be too tedious if I recited all the arguments, anſwers, and replies of both ſides. This will ſuffice, I hope, to ſhew the grounds of their pretenſions.

Queſtion propoſed to the examiners. Act. Pub. T. ii. p. 526.

The affair being thus cleared, and the reaſons of the two candidates examined, the king put the queſtion in this manner: "Whether the more remote by one degree in ſucceſſion, "coming from the eldeſt ſiſter, ought, according to the laws "and cuſtoms of both kingdoms, to exclude the nearer by "a degree coming from the ſecond ſiſter?" The commiſſioners unanimouſly anſwered, That, according to the laws and cuſtoms of both kingdoms, the deſcendants of the eldeſt daughter were to be preferred. It might be juſtly demanded, to what purpoſe then was the diſcuſſion of the preliminary queſtions, ſince the laws of both kingdoms were ſo expreſs in favour of the principal, if it had not been already remarked, that they were ſubſervient to the private intereſts of Edward? Notwithſtanding the formal deciſion of the commiſſioners, the king, willing to ſhew that he acted without partiality, cauſed the ſame queſtion to be again long debated

Decided in favour of Baliol.

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in his preſence, and appointed the 6th of November following, to pronounce the final ſentence.

On that day, Edward ſolemnly pronounced, that Robert Bruce's pretenſions were ill-grounded, and the laws allowed him no right to the crown of Scotland. But as the excluſion of Bruce did not neceſſarily import the admiſſion of Baliol, ſince there were other competitors, the king ordered the examiners to hear the reſt of the parties. Robert Bruce finding himſelf excluded by the ſentence, declared, he had another right which he would proſecute, and juſtify, in another form, his pretenſions to part of the kingdom. Then he preſented his petition, which was admitted. Edward gives ſentence againſt Bruce; Nov. 6. who offers a petition.

The affair between Baliol and Bruce being ended, John Haſtings ſtood up and maintained, that Scotland being a fee of England, had no more privileges than other fees, which were all partible. He inferred from thence, that the kingdom of Scotland ought to be divided among the deſcendants of the daughters of David earl of Huntington, the youngeſt of whom was his mother. He was immediately ſeconded by Robert Bruce, who appeared again, and ſaid, he claimed a third part of the kingdom, as ſon and heir to David's ſecond daughter. Whereupon Edward put theſe two queſtions: 1. Whether the kingdom of Scotland was a partible fee? 2. Or whether, not being ſo, the eſcheats and acquiſitions, made by the kings of Scotland, were to follow the law of common inheritances? The unanimous advice of the king's council, and the commiſſioners was, that the kingdom of Scotland was an indiviſible fee, and that the king's acquiſitions in the kingdom itſelf, ceaſed to be partible, the moment they came into his hands. After this deciſion, Edward appointed the 17th of November, to paſs ſentence. Demand of John Haſtings.

The commiſſioners being met * on the day appointed, the king ordered all the candidates to be aſked, What they had to ſay in defence of their rights. The ambaſſadors of Norway, Florence earl of Holland, William de Veſey, Patric de Dunbar, William de Ros, Robert de Vynkeny, Nicholas de Soules, and Patric Galythly, declared, they did not intend any further to proſecute their claims, and withdrew their petitions. Upon this declaration the king pronounced, they had no pretenſion to the crown of Scotland. John Comyn, and Roger de Mandeville, not appearing to maintain their claims, they were likewiſe rejected. After which being pronounced, That John Haſtings, and Robert Bruce, had no right to the All the other candidates drop their pretenſions. Nov. 17.

* In full parliament. Rymer's Fœd. p. 782.

third part claimed by each, because the kingdom of Scotland could not be divided.

Edward declares Baliol king of Scotland.

None remained but Baliol, who being without a competitor, since the others were rejected, was acknowledged as the only person that had a right to pretend to the crown. Accordingly, Edward adjudged, that he should be put in possession of the kingdom, saving however to himself and successors, the right of asserting their pretensions to the same kingdom, whenever they thought proper [p]. Then he addressed himself to the new king, and said, he ought to take care to govern his people in such a manner, that for want of justice, or any other reason whatever, he should not oblige his sovereign to make use of his right to redress the grievances. Then he appointed him the Thursday following to swear fealty, and Christmass day next, to do his homage at Newcastle.

Baliol swears fealty to Edward; Nov. 20. Act. Pub. T. ii. p. 591. M. West. Walsingh. T. Wikes.

The process being thus ended, Edward dispatched all necessary orders to put Baliol in possession of the kingdom, and the new king swore fealty to him on the 20th of November [q]. In the oath, he acknowledged the sovereignty of the king of England over Scotland in very express and submissive terms, and caused an authentic act of the same to be drawn up. His installation was performed at Scone [r], with the usual formalities, and all the Scotch lords took the oath to him, except Robert Bruce, who was absent. Which done, he came to Newcastle upon Tyne, where he did homage to the king, in such expressions as it was not possible to add any thing to denote more fully his dependence [s].

and does homage.

Complaints of the Scot. against Edward.

After seeing in what manner the journal, made by Edward's order, relates what passed in this famous process, it

p "Salvo jure eiusdem Domini regis Angliæ, & hæredum suorum cum voluerint inde loqui." Rymer's Fœd. T. ii. p. 589.

q The form of it was thus: "Ego Johannes de Balliolo, rex Scottorum, fidus & fidelis ero vobis Domino Edwardo, Dei gratia, regi Angliæ, & superiori Domino regni Scotiæ; & vobis fidelitatem facio de eodem regno Scotiæ, quod de vobis teneo, & clamo tenere: & fidem & fidelitatem vobis portabo de vita & membro, & terreno honore, contra omnes homines: & fideliter recognoscam, & vobis faciam servitia, vobis debita de regno Scotiæ antedicto; sic me Deus adjuvet & hæc sancta Evangelia." Rymer's Fœd. T. ii. p. 591.

r The business of the earls of Fife at coronations, was to place the king of Scotland upon his throne, as appears from Rymer's Fœdera, T. ii. p. 600.

s The form of the homage was thus. "Mon seigneur, mon sire Edward, rey d'Engleterre, sovereign seigneur du reaume de Escoce, je Johan de Baillol, rey de Escoce, devien vostre homme lige de toi le reaume de Escoce ove les apartenances, e a quant qe il y apent; le quel je tieng e dei de droit, e clem, par moi, e mes heyrs, reys de Escoce, tenir heritablement de vous e de voz heyrs, reys d'Engleterre: E fey e laute porterai a vous, e a voz heyrs, reys d'Engleterre, de vie e de membre, e de terrien honeur, contre tote gent qe porunt vivere e moris." Rymer's Fœd. T. ii. p. 595.

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is but reaſonable to hear the Scots in their turn. They pretend, Edward acted very unjuſtly in the whole courſe of the affair, and that his conduct throughout was a continued ſeries of artifice, corruption, and violence: that indeed, he had before ſome pretenſion to the ſovereignty of Scotland, but it was ſo ill-grounded, that he would never have thought of aſſerting it, if the ſtate of the kingdom had not furniſhed him with an opportunity: that being choſen judge, or rather umpire of the difference between the two candidates, he abuſed that truſt to ſerve his own intereſts, at the expence of the liberty of the Scots. They agree to the facts related in the journal, but affirm, that by promiſes and threats, he privately engaged the commiſſioners blindly to follow his directions. They add, that his chief aim being to make the perſon who ſhould be declared king of Scotland, vaſſal of the crown of England, he intimated to the two competitors, that they had nothing to hope for, unleſs they would firſt own him for ſovereign of the kingdom. To engage them (ſay they) to this acknowledgment, he himſelf raiſed up all the other candidates, who entirely depended upon him, on purpoſe to breed difficulties, which might convince Bruce and Baliol, how much they needed his favour. It is not to be thought ſtrange that the competitors ſhould be ready to do whatever he deſired. The two principal were afraid, their oppoſition would deprive them of the crown, and the reſt put in their claims only in obedience to his orders, or for his pleaſure. 'Tis further affirmed, that before the pretenſions of the parties came to be examined, Edward had reſolved to give the crown to Baliol, who was of an inferior genius to Bruce, and of leſs credit in the kingdom. Buchanan ſays upon this occaſion, that Edward offered the crown firſt to Bruce, if he would promiſe to do him homage; and upon his refuſing it on that condition, Edward turned to Baliol, who immediately accepted his offer. And to the invincible argument, which the Engliſh pretend to infer from Robert's conſent and hand, to the acts and declarations made by the candidates before they preſented their petitions, the Scots reply, it was not poſſible, but Robert might at firſt refuſe the crown on the condition required, and afterwards perceiving how detrimental his refuſal might be to him, was induced to comply. It is true, he did not much promote his cauſe by that means, ſince his refuſal made a deeper impreſſion on Edward, than his compliance could afterwards do. They add, it is impoſſible not to ſee in the journal itſelf, that, notwithſtanding the great ſhew of impartiality, Edward favoured the cauſe

of Baliol. In the firſt place, the arguments of Robert Bruce are very much abridged, and may be ſaid to be diſadvantagiouſly ſet forth. In the next place, immediately after Robert's excluſion, all the reſt of the competitors, except Baliol, relinquiſhed their pretenſions, even to the ambaſſadors of Norway, who very likely had private orders to act as directed by Edward. Indeed, one cannot ſee, why the excluſion of Bruce ſhould ſo affect the other candidates, as to oblige them to withdraw their petitions. But, it is eaſily perceived, they were no longer neceſſary to the king's deſigns, after the judgment againſt Bruce. This plainly diſcovers the reaſon, why Edward would have the examiners begin with diſcuſſing the rights of Bruce and Baliol; becauſe, when that affair ſhould be decided, he had no farther need of the others. The affected abſence of Baliol is likewiſe obſerved on the day that the other competitors acknowledged the ſovereignty of the king of England, that he might not be aſterwards reproached, when he ſhould be on the throne, *for being the firſt to introduce that innovation, intending to create a belief* that he only followed thoſe who went before him. *It is* affirmed, Edward was more apprehenſive of Bruce than of Baliol, and in the whole courſe of the proceſs, had ever a view to his own intereſt. The ſole end of all his proceedings, ſay they, was to eſtabliſh a right which he could never have ſupported at any other juncture, and which belonged not to him. If this right had been inconteſtable, to what purpoſe did he take ſo many precautions to eſtabliſh it? To what end ſo many acknowledgments and oaths, when the ſtates of Scotland, if the journal may be credited, alledged not the leaſt objection to his pretenſions? Why ſuch a heap of arguments, moſt of which are ſo weak, to cauſe a ſovereignty (according to him not diſputed) to be acknowledged? If the ſtates of Scotland made no reply to Edward's firſt propoſition, it is eaſy to ſee, it muſt have been from a motive of fear. Beſides, it could not be inferred from their ſilence, that they acknowledged the ſovereignty, ſince they had never before made the like recognition. If by their ſilence, they intended to give their approbation to Edward's pretenſions, whence is it, that he required not from them an authentic declaration, as well as from the candidates? Were they to decide ſo important a queſtion, and not rather the ſtates then actually aſſembled? In ſhort, it appeared afterwards, that the ſentiments of the people in Scotland were not agreeable to the declaration of the candidates, ſince they embraced the firſt opportunity to ſhake off the yoke impoſed upon them.

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I shall add here in favour of the Scots, that the Collection of the Public Acts affords a strong proof, that the king of Scotland never did homage for the whole kingdom, if we except that of William to Henry II. We find in the Collection, that Edward's high-chamberlain demanding of Baliol the fees due from the vassals when they did homage, there was no precedent to be found: so Edward was forced to fix them himself[t] to twenty pounds sterling, which was double the sum paid by an earl on the like occasion. What likelihood is there, that the fees should not be settled before, in case this homage had been done so often as Edward pretended? Act. Pub. II. p. 600.

I have hitherto related in what manner the English and Scots speak of what passed in this famous process, as well concerning the crown itself, as the sovereignty claimed by Edward. But for the perfect illustration of this matter, it will not be needless to make some farther remarks. In the first place, it appears by Edward's whole conduct, that his intent at first was not to become master of Scotland[u], (as Buchanan charges him) but only to render that kingdom dependent on England. In this he did but follow the steps of most of his predecessors. Not to mention the Saxon and first Norman kings, Henry II. had no sooner king William in his power, but he took the advantage of that prince's misfortune, to oblige him to do homage for his kingdom. Henry III. father of Edward, would fain have extorted the same thing from Alexander III. but could not possibly succeed. It cannot therefore be inferred, from Edward's first proceedings, that he had formed the project of making himself master of Scotland; since he required only the direct dominion, without insisting on the possession, concerning which he was satisfied with making a bare declaration. If he had designed any such thing, he might easily have found plausible pretences to place English garrisons and governors at his devotion, in the places that were put into his hands. He might have alledged, that all the Scots being engaged to some one of the candidates, the custody of the castles could not be trusted to persons of their

t In the parliament held at Westminster, 1292. Rymer's Fœd. tom. II. p. 600.

u And yet one would be apt to think, such was his design by his uniting the two kingdoms, which he did, or attempted to do, as appears by the following oath. "Quod regna Angliæ & "Scotiæ, ratione superioris dominii, "[illegible] "[illegible] "[illegible] [illegible] p. 5[illegible]

nation, without expoſing the kingdom to the danger of a civil war. But, inſtead of ſecuring by that means the poſſeſſion of the kingdom, he confirmed all the governors, and contented himſelf with receiving their oath; a precaution which a prince of his abilities would doubtleſs have thought inſufficient, had he formed ill deſigns. To this may be added, that if he had framed the project he is charged with, he would have found a fair opportunity to put it in practice, by dividing the kingdom between the deſcendants of David's three daughters. By that diviſion, he would have weakened the forces of the Scots, whereas he kept them united, in adjudging the crown to a ſingle perſon.

But on the other hand, it can hardly be denied, that he meant to take advantage of this favourable juncture, to eſtabliſh his ſovereignty over Scotland, and ſo to accompliſh the project formed, but never fully executed, by his anceſtors. It is difficult to judge, whether he himſelf believed he had a lawful right, or, conſidering the circumſtances of Scotland, was willing to embrace the opportunity to eſtabliſh a new one. The laſt ſeems moſt likely, though men but too frequently ſuffer themſelves to be prepoſſeſſed in favour of what is for their intereſt. And indeed, to fetch proofs from hiſtories compiled by Engliſhmen, to ſhow that Scotland was dependent on England, was a plain confeſſion he had no better. Certainly a homage like this ought to have been evinced by more authentic proofs. One can hardly believe, that if the kingdom of Scotland had been immemorially dependent on England, without any interruption, as he pretended to prove, there could be found in the ſovereign's archives but one ſingle homage in form, done by the kings of Scotland. Probably therefore, without being thoroughly convinced of his right, he had a mind to take the advantage of the preſent juncture to eſtabliſh it fully, well knowing there could be no oppoſition, ſince the two leading men had ſo much reaſon to court his favour. But the queſtion, whether the acquieſcence of the Scots was ſufficient to acquire him a new right. I leave this to be determined by thoſe who are verſed in theſe matters. However, methinks, there is no juſtifying this prince, who, by an ill-grounded ambition, kindled between the two nations of Great Britain a war, which cauſed torrents of blood to be ſpilt on both ſides. And if the event is of any account in affairs of this nature, the ſequel of the hiſtory will ſhew, that though at firſt God favoured Edward's deſigns, he permitted the projects of the Engliſh to come to nothing at laſt. Perhaps I ſhall draw upon me the cenſure of ſome people, fond

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of the ancient ſovereignty of England over Scotland, or of the perfections of Edward I. They will fancy, no doubt, what I have been ſaying is injurious to the glory of that prince, or the grandeur of England; but I hope, they who are leſs prejudiced will do me more juſtice. It is time now to return to the hiſtory, and ſhow the fatal effects of Edward's ambition to both kingdoms.

1293. Edward's haughty behaviour towards the new king of Scotland.

If the deſire of reigning had cauſed Baliol to act contrary to the intereſt of Scotland, Edward's eagerneſs to eſtabliſh his ſovereignty over that kingdom, made him commit errors, deſtructive of his own real intereſts, as well as thoſe of England. On much the ſame occaſion pope Innocent III. took care not to let the Engliſh feel too ſoon the weight of his ſovereignty, acquired by king John's reſignation. He inured them to his yoke by degrees, for fear of alarming them too much. But Edward took a quite contrary courſe with the Scots. Hardly was he poſſeſſed of his ſo much deſired ſovereignty, but he made his vaſſals feel the whole weight of it; and this rigor produced not the effect he expected. Far from conducing to keep that nation in ſubjection, it ſerved only to excite their endeavours to free themſelves from it.

Act. Pub. II. p. 596.

Before Edward left Newcaſtle, an opportunity offered to exerciſe his new right, which he failed not to embrace. A townſman of Berwick complaining to him of an injury done him, as he pretended, by ſome Engliſh commiſſioners ſent into Scotland, Edward ordered the affair to be tried in England, by his judges. The council of Scotland, looking upon this as a breach of the king of England's promiſes, ſent ſome of their members to repreſent to him, that he had engaged, that the pleas of things done in the kingdom, ſhould not be drawn out of it. Edward thought the remonſtrance very unreaſonable. He replied, That the affair was of ſuch a nature, that he could not permit it to be tried any where but in his own courts; ſince it belonged not to vaſſals to puniſh the miſdemeanors of thoſe that repreſented the perſon of the ſovereign. If he had ſtopped there, the Scots might have flattered themſelves, that this particular caſe would not be drawn into precedent: but the king's intention was otherwiſe. To prevent the like complaints for the future, he ſent to the council of Scotland the following declaration: "That if, during the "vacancy of the throne, he had made the Scots any ſuch "temporary promiſes, he had punctually obſerved them; "but did not intend to be reſtrained by ſuch promiſes, now "there was a king in Scotland; and would admit and hear "all complaints, and all buſineſs concerning that kingdom,

" where and when he pleaſed." He repeated the declaration, ſome days after, in his own chamber, before Baliol, and a great number of lords of both nations: adding, " He would " call the king of Scotland himſelf to appear in England, " whenever he thought convenient." The warmth where-with he ſpoke, ſtopped the mouth of Baliol, who, being in his power, thought it not proper to make any anſwer. But he did not come off ſo. Two days after he was forced to renounce, by letters patents for himſelf and ſucceſſors, all the promiſes, conceſſions, and ratifications made by the king of England during the vacancy of the throne of Scotland; and to approve of whatever Edward had done during that time. In return for this renunciation, Edward gave him a writing, whereby he acknowledged, he had no other right to the kingdom of Scotland but that of homage. Moreover, he promiſed for himſelf and ſucceſſors, not to claim the wardſhip and marriage of young nobles.

Baliol yields it up. Ibid. p. 599.

p. 601.

The firſt ſtep was ſufficient to convince the Scots of Edward's reſolution to ſtretch his prerogative to the utmoſt: but it was not long before he gave them more ſubſtantial proofs. A merchant of Gaſcogne preſented a petition to him ſetting forth, that Alexander III. late king of Scotland, was indebted to him in a certain ſum, ſtill due to him, notwithſtanding all his ſollicitations to the new king for payment: that therefore he applied to him, as ſovereign of the king of Scotland, for juſtice. Edward eagerly embracing this opportunity of exerciſing his right, ſummoned the king of Scotland to appear at Weſtminſter the morrow after Aſcenſion-day, to anſwer in perſon the complaints brought againſt him by the merchant. This firſt ſummons bears date the 8th of March, about two months after Edward's departure from Newcaſtle.

p. 605.

First ſummons. Act. Pub. II. p. 605.

Eight days after, he ſent a ſecond ſummons to Baliol upon the following occaſion. Whilſt he was at Berwick, he had ordered the regents of Scotland to put Macduff, earl of Fife, in poſſeſſion of certain lands claimed by that earl. Theſe orders had been executed, before Baliol's coronation, whilſt Edward was ſtill maſter of Scotland. In the firſt parliament held by the new king at Scone, the earl of Fife was accuſed of unjuſtly taking poſſeſſion of theſe lands, the cuſtody whereof belonged to the king. This was properly accuſing him of an affected over-haſtineſs in applying to the king of England, and of not ſtaying till there was a king on the throne of Scotland. Upon this accuſation, the parliament ordered him to be impriſoned. Some time after the earl, being releaſed, carried his complaints to Edward, and the king of Scotland was again

Second ſummons. p. 606.

again ſummoned to appear before Edward, wherever he ſhould be, the day after Trinity-Sunday.

The 15th of June following, the king took a freſh occaſion to ſummon Baliol upon another account. Whilſt he was at Newcaſtle, he had ordered Walter de Huntercombe, governor of the Iſle of Man, to put Baliol in poſſeſſion of the iſle, which was accordingly done. Shortly after, a lady named Auſtrica, claiming that iſle, demanded it of the king of Scotland; and her demand being rejected, ſhe complained to Edward. Upon her complaint, Baliol was again ſummoned to appear in perſon, fifteen days after Michaelmas, in whatever place the king ſhould then be. Moreover, Edward ordered the ſheriff of Northumberland to notify the ſummons to the king of Scotland himſelf, before witneſs. Third ſummons. p. 608. Fourth ſummons. Ibid.

A few months after Baliol received another ſummons; the occaſion was this: David king of Scotland had formerly granted to the monaſtery of Reading in England, a certain priory, held of the biſhopric of St. Andrews. Afterwards this priory was alienated by the abbot of Reading, to the biſhop of St. Andrews. The ſucceſſor of the abbot, willing to recover the priory, pretended, the alienation was made againſt the conſent of the majority of the monks, and preſented a petition to the king. The biſhop being informed of it appealed to the pope, and his appeal was admitted by the court of Scotland. Upon the complaints made to Edward by the abbot of Reading, about admitting the appeal, Baliol was again ſummoned to appear in perſon, fifteen days after the feaſt of St. Martin. Fifth ſummons. p. 615.

A year after, Edward took occaſion to treat this prince in the ſame haughty manner, by commanding him to appear before him to anſwer for himſelf, for denying juſtice to the biſhop of Durham, in an affair concerning his dioceſe *. Sixth ſummons, in 1293. p. 632.

So many different ſummons, upon ſuch ſlight occaſions, and upon the bare complaints of private perſons, made the new king of Scotland perceive, he was become rather the ſlave than vaſſal of the king of England. However, as he had taken no meaſures to throw off the yoke, he durſt not but appear to anſwer to theſe ſeveral accuſations. Buchanan pretends, it was by accident that Baliol happened to be preſent in the parliament of England, when the earl of Fife brought his complaints againſt him; but others affirm, it was in obedience to the ſummons. Be his as it will, he was accuſed before the parliament of impriſoning and denying juſtice to the earl of Fife. He would have anſwered by a proctor, but was not permit- Baliol appears before the parliament of England. Ryley's Placita. p. 151, &c. lib. viii. Ryley.

* For refuſing to deliver to him the towns of Berwick and Hadington.

ed,

ed, and ſo was obliged to ſtand at the bar like a private perſon. This was a great mortification for a crowned head; but Edward was bent upon humbling him, and making the Scots feel the whole weight of their dependence. Baliol being conſtrained to anſwer in perſon, alledged, as the accuſation entered againſt him concerned the crown, he could not anſwer to it, without firſt adviſing with his ſubjects. His excuſe not being allowed, the parliament ordered, that three of his principal caſtles ſhould be ſeized into the king's hands, till he gave full ſatisfaction. The Engliſh authors affirm, that before the ſentence was pronounced, Baliol preſented a petition, acknowledging the ſovereignty of the king of England over Scotland, and praying Edward to give him time to conſult his parliament. As ſoon as he had ſtooped ſo low as to petition, his demand was granted, and a certain day [x] was aſſigned him to appear. He withdrew, incenſed to the laſt degree at the affront he had received, and bent upon trying all means to free himſelf from ſo intolerable a yoke.

Ryley.

Ryley.

1295. Baliol makes an alliance with France. Act. Pub. II. p. 630, 695—698.

The war which broke out at the ſame time between France and England, put Baliol in hopes of a favourable juncture to free himſelf from the ſubjection he was under: and indeed it was likely he would have leiſure to take all neceſſary meaſures to compaſs his ends, whilſt Edward was employed in that war. A private quarrel between ſome Engliſh and French mariners, was the occaſion of the rupture. At the ſame time, it gave the king of France a pretence to ſummon Edward before the court of peers, and an opportunity to ſeize Guienne by a ſtratagem, the particulars whereof will be ſeen hereafter. Before the war was proclaimed, Edward endeavoured by way of negotiation to recover that duchy from the king of France [y]. But Philip, who was not ignorant of the king of Scotland's deſigns, prolonged matters till that prince declared his intentions. During the negotiation, Baliol ſent ambaſſadors to France, on pretence of renewing the ancient alliance between the two nations; but his real deſign was to enter into a ſtrict union with Philip, by the marriage of his ſon Edward with a daughter of the earl of Valois, brother to that monarch. How privately ſoever the negotiation was carried on, Edward had intelligence that ſome plot was contriving againſt him at Paris. To prevent the king of Scotland's deſigns, he demand-

M. Weſt. Act. Pub. II. p. 697.

Act. Pub. II. p. 692.

[x] At the parliament that was to be holden after Eaſter. Ryley's Placit. p. 159, 160.

[y] November 29, king Edward called a parliament at Weſtminſter (accerſito clero, magnatibus, & populo) wherein the laity granted him the eleventh part of their goods, the clergy the tenth, and the merchants the ſeventh. Pat. 22. Edw. I. m. 2.

ed

ed of him the caſtles of Berwick, Jedburgh, and Roxborough [z], promiſing to reſtore them as ſoon as matters were adjuſted with France. But without rejecting entirely this demand, Baliol found means to gain time [a], whilſt he continued to take meaſures to throw off the yoke of the Engliſh. When his ambaſſadors had concluded the league with France, he thought it time to declare. He was ſtrongly ſollicited to it by Philip, who, knowing Edward was preparing for war, was deſtrous to raiſe him troubles at home, that might hinder him from thinking on means to recover Guienne. Baliol had been long in ſuſpence, on account of his oath to the king of England: but to remove that ſcruple, Philip procured him the pope's diſpenſation. So finding himſelf ſecure from the church's cenſures, which were then very formidable, and having no further uneaſineſs on account of his oath, he thought nothing ſhould any longer retard him. Edward ſurpriſed at this reſolution, which quickly came to his knowledge, formed the deſign of relinquiſhing his affairs in France, and employing his preparations againſt Scotland. He conſidered that Baliol's revolt gave him a plauſible pretence to make himſelf maſter of that kingdom, the conqueſt whereof would be of much greater importance than Guienne. Inſtead therefore of embarking his army for France, as he had intended, he marched directly for Scotland. Mean time, Baliol, who depended upon the aſſiſtance of France, ſent to the king of England the ſuperior of the Cordeliers of Roxborough, to deliver a letter into his own hand. In the letter he complained of the frequent injuries received from him, of the many ſummons upon very ſlight occaſions, and upon the bare petitions of private perſons; and in concluſion, declared, he would be no longer his vaſſal [b]. The letter ſerved only to exaſperate Edward ſtill more, who, continuing his march towards Scotland, and hearing his affairs in France in a very ill ſituation, reſolved to make a conqueſt of that kingdom, as the Engliſh hiſtorians confeſs. Here may be fixed the beginning of the long war, that bred in the hearts of the Engliſh and Scots a mutual enmity, which time has not yet been able to extinguiſh.

The pope diſpenſes with Baliol's oath; Chr. Abing. Knighton.

who declares againſt Edward. Act. Publ. tom. ii. p. 707. Knighton. Walſing. M. Weſt. Walſing.

[z] M. Weſt. and Walſingham ſay, it was the caſtles of Berwick, Edinburgh, and Roxborough. M. Weſt. p. 427. Walſing. p. 65. But in Rymer's Fœd. it is Oedworth (the ſame as Jedburgh) inſtead of Edinburgh; which ſhews of what great uſe that collection is, in rectifying the miſtakes of hiſtorians. See p. 692.

[a] They were actually delivered. See Rymer's Fœd. tom. ii. p. 692.

[b] He not only renounced, in the beginning of April, the homage and fealty he had taken to king Edward, but alſo defied him. See Knighton, p. 2477. Walſing. Rymer's Fœd. tom. ii. p. 707.

Edward

1296. Edward was advanced as far as Newcaſtle, with intent to beſiege Berwick, which was the key of the two kingdoms, and for that reaſon of all places moſt liable to the ſieges and ſurprizes of both nations. For that purpoſe he had ſent a fleet, with ſtrict orders to prevent any thing approaching the town he intended to beſiege. But the fleet was ſurprized by the Scots, who burnt and ſunk eighteen ſhips. At the ſame time they gained another advantage over ſome Engliſh troops, who being advanced to ſeize a certain poſt, were cut in pieces with the loſs of above a thouſand men. Theſe ſucceſſes, which encouraged the king of Scotland, ſerved only to excite Edward to a revenge, and oblige him to exert his utmoſt to ſubdue a people who appeared ſo reſolute to ſhake off his yoke.

Edward attacks Scotland. Buchanan.

There were in Scotland two factions, one for Baliol and the other for Bruce. Edward, well knowing Bruce had ſubmitted only by force to the judgment pronounced in favour of Baliol, believed it might be of great ſervice to him could he perſuade Bruce to join with him: to that end he offered him the crown, provided he declared againſt Baliol. Bruce accepted the offer with joy, and ſtrengthened Edward's party with a great number of friends, who had only out of fear taken the oath to Baliol.

He gains Bruce to his ſide. Ibid.

After taking theſe meaſures, Edward entered Scotland, and laid ſiege to Berwick. As that place was very ſtrong and well garriſoned, he was apprehenſive of meeting a reſiſtance which would give Baliol time to prepare, and the Scots in general an opportunity of uniting together to free themſelves from a danger that equally threatened them all: ſo nothing could be more to his advantage, than to become maſter of Berwick, in order to advance into the heart of the kingdom, and break the meaſures of the Scots. This made him reſolve to uſe ſtratagem to compaſs his deſigns in leſs time. To that end, after aſſaulting the town ſeveral days, he ſuddenly raiſed the ſiege: at the ſame time, by means of ſome ſoldiers, who, pretending to deſert, threw themſelves into the town, he cauſed a rumour to be ſpread, that the king of Scotland's approach to their relief obliged him to retire. The rumour was quickly followed by the falſe news of Baliol's being but a league off, ready to enter the town. Upon this falſe intelligence, the ſoldiers and townſmen ſallied out to meet him, imagining Edward was now at a diſtance. The headleſs multitude falling into an ambuſh, and endeavouring to retreat with precipitation, were ſo briſkly purſued that the Engliſh entered into the town, and made a great ſlaughter.

He beſieges Berwick, Ibid. M. Weſtm. Walſing.

and takes it by ſtratagem

It

It is said above seven thousand [c] Scots perished on this occasion [d].

Edward being thus master of Berwick, marched to Dunbar, with design to besiege it. He was scarce arrived before the town, when he heard of Baliol's approach, at the head of a numerous army. Though he did not expect the Scots could be ready so soon, he gladly received the news in hopes of obtaining a victory that would render him master of the whole kingdom. Baliol advanced with equal ardor, bent upon deciding by a battle, whether he should be free or a slave. The two armies engaging, fought a good while with great bravery, though not with the same fortune. The Scots were at length forced to give way, after losing the best part of their troops: their loss is said to amount to above twenty thousand men; a loss so great and astonishing, that they were not able for a long time to oppose the progress of the conquerors. After this great victory, Edward immediately returned to Dunbar, whose gates were opened to him. Then, without giving his enemies time to breathe, he marched to Roxburgh, of which he became master with the same ease. Presently after he approached Edinburgh, the castle whereof was surrendered in eight days. From thence he went and seized Sterling, Perth, and all the considerable places in general. In a word, before the end of the campaign he was so much master of all Scotland, that Baliol and the whole nation had no other remedy but to submit to his mercy: and upon that condition he granted them peace. The king of Scotland came to him at Kincardin, and appearing before him with a white rod in his hand, resigned his kingdom to him, to be disposed of according to his pleasure. The resignation was drawn up in form, and signed by Baliol, with the greatest part of the barons of Scotland, and sealed with the great seal of the kingdom.

Baliol vanquished. Buchanan. M. Westm. Walsing.

Edward's great progress. Buchanan. M. Westm. Knighton. Walsing.

Baliol resigns his kingdom. Act. Publ. tom. i. p. 718. July 2.

To confirm his new acquisition, Edward ordered the states of Scotland to assemble at Berwick, where all the nobility and officers of the kingdom swore fealty to him; and delivered up all the castles and places they were still in possession of. Among the Scotch nobles, William Douglas was the only person that could never resolve to swear to a prince, who had no right to Scotland but what force gave him. This

The Scots swear to Edward. Knighton. Walsing. Douglas alone refuses. Major.

c M. Westm. says sixty thousand: this town was taken March 30. p. 4[illegible].

d Whilst Edward was employed in fortifying Berwick, some Scots made an excursion into Cumberland, and burnt the towns of Correlaiger and Hechlesham, and went and laid siege to Carlisle. Walsing. p. 65.

refuſal drew on him the indignation of Edward, who commanding him to be conducted to England, kept him in cloſe confinement, where he ended his days, nor could his misfortunes ever bring him to acknowledge Edward for ſovereign.

Baliol is ſent into England. Buchanan. M. Weſtm. Walſing.

Baliol was likewiſe ſent into England, and confined at firſt in the Tower of London, but was afterwards removed to Oxford, where he founded the college which bears his name [e]. Other Scotch lords, whom Edward thought it neceſſary to ſecure, were ſhut up in ſeveral priſons in England; and if he left ſome their liberty, it was on condition they ſhould keep in the ſouthern parts, without ever paſſing the Trent on pain of death. He might eaſily have been crowned king of Scotland, but it was not his intention that the two kingdoms ſhould remain any longer divided: he had a mind to unite Scotland to England, as he had done Wales, and to make but one kingdom of the whole iſland of Britain. This evidently appeared from his removing into England the crown and ſceptre of Scotland, with all the reſt of the regalia, and in general every thing that ſhewed the leaſt ſign of the liberty hitherto enjoyed by the Scots. But it was not ſo eaſy to blot out of their minds the remembrance of their precious liberty. He did not forget to cauſe the famous ſtone, on which the inauguration of their kings was performed, to be conveyed from Scone. The people of Scotland had all along placed in that ſtone a kind of fatality: they fancied that whilſt it remained in the country, their ſtate would be unſhaken; but the moment it ſhould be removed, great revolutions would follow. For this reaſon Edward carried it away, to create in the Scots a belief, that the time of the diſſolution of their monarchy was come, and to leſſen the hopes of recovering their liberty [f]. But how much ſoever

Edward takes away the crown and ſceptre of Scotland, and the famous ſtone of Scone. Walſing. M. Weſtm. p. 428, 430. Knighton. Buchanan.

[e] This is a miſtake; for Baliol college was founded in the reign of Henry III. by John Baliol of Barnard-caſtle, the father of John Baliol the king. He only laid the deſign of it, and ſettled yearly exhibitions upon ſome ſcholars, and at his death, in 1269, he recommended this pious project to Devorguild his wife. She ſettled the exhibitioners in a tenement, which ſhe hired in Horſemonger-ſtreet, now Cornhill, in 1282. Afterwards, in 1284, ſhe purchaſed Mary's hall, near the ſame place, and ſettled the ſociety there by her ſtatutes, confirmed by her ſon John Baliol the king, and by Oliver biſhop of Lincoln. Camd. in Oxfordſhire.

[f] Kenneth II. king of the Scots, having made a general ſlaughter of the Picts, near the monaſtery of Scone, placed a ſtone there, which vulgar tradition reported to be the ſame as Jacob laid for a pillow, and incloſed it in a wooden chair, for the inauguration of new kings. It had been brought out of Spain into Ireland by Simon Brecus, afterwards out of Ireland into Argyle, and king Edward ordered it to be conveyed to Weſtminſter. On it was engraven this diſtich:

foever they were attached to this fatal ftone, they fuffered a greater lofs at that time: the burning of their records [g], by Edward's order, was to them and their pofterity an irretrievable lofs. Befides thefe precautions, Edward took care to fecure his conqueft by placing Englifh garrifons and governors in all the caftles, and leaving John Warren earl of Surrey and Suffex [h] to command in Scotland, returned in triumph to England.

He burns the records of Scotland. Hec. Boeth. Buchanan.

After feeing the firft war with Scotland ended by the conqueft of the kingdom, it is time to confider what was paffing in France, where Edward's affairs were upon a very different foot. But firft it will be neceffary to relate the occafion of the rupture between France and England. Since the treaty between St. Lewis and Henry III. the two nations had lived in a good underftanding, when a quarrel between two perfons of little confideration gave occafion to the two monarchs to take up arms. A Norman pilot and an Englifh mariner quarreling in a port of Guienne, where they were landed, the pilot chanced to be killed. Whether the magiftrates of the port neglected to bring the murderer to juftice, or he was not in their power, the Normans feeing the murder of their countryman was left unpunifhed, refolved to be revenged: to that end, furprizing an Englifh veffel, they hung up the pilot at the yard-arm. Thefe reprifals occafioned others on both fides, fo that the Englifh [i] and Normans made fierce war upon each other wherever they met, even to the plundering one anothers fhips when it was in their power. For fome time it was only a private war, in which the two kings were not concerned: but fome Englifh fhips happening to meet a Norman fleet laden with wine, carried them to England. The owners complaining to the king of France, he demanded reftitution of the fhips and goods, and immediate fatisfaction for the outrage. Edward not returning a fpeedy anfwer, Philip the Fair, who was of a very haughty temper, fummoned him to appear in perfon before the court of peers, to anfwer to the complaints brought againft him. The fum-

Edward's affairs with France.

Act. Publ. tom. ii. p. 607. Walfing. M. Weftm.

Walfing.

Act. Publ. tom. ii. p. 617.

Ni fallat fatum, Scoti quocunque locatum
Invenient lapidem, regnare tenentur ibidem.

Or fate's deceiv'd, and heav'n decrees in vain,
Or where they find this ftone, the Scots fhall reign. Camd.

[g] Tho' Mr. Rymer thinks it only a calumny invented by Hector Boethius. See Hift. p. [illegible]

[h] Rapin by miftake calls him William: at the fame time Hugh de Creffingham was made treafurer, and William de Ormefby jufticiary of Scotland. Rymer's Fœdera, tom. ii. p. [illegible], etc.

[i] Chiefly the Cinque Ports [illegible] fhips from Portfmouth, [illegible], etc. T. Wikes.

mons

mons was issued in 1294, about the time that Edward cited the king of Scotland upon very slight occasions, as hath been related. The French historians say, Edward not appearing, and only sending his brother Edmund in his stead, Philip, not satisfied therewith, sent the constable de Nesle into Guienne, where he seized Bourdeaux, with all the rest of the province. Certainly it must be surprizing, that such a conquest should cost France so little. Was it possible for that general to become master of Guienne without forming a siege or fighting a battle, as if it had been an open country, destitute of castles and troops for a defence? This makes me believe, either the French historians were ignorant of what passed on that occasion, or did not think proper to mention it. But what does not appear in their histories, is fully explained in the Collection of the Public Acts: and therefore I hope the reader will not be displeased to see the particulars [k].

Philip acts fraudulently with Edward. Act. Publ. tom. ii. p. 620.

Edward being summoned to appear before the peers of France, did not think proper to appear in person: he sent prince Edmund his brother to Paris, to answer for him, with orders to avoid as much as possible engaging him in a war with France. The prince was fully empowered to give the king of France all the satisfaction he could reasonably desire [l]. Edmund found the French monarch extremely incensed and full of threats. After several instances to enter into treaty, his negociation seeming to him entirely fruitless, he resolved to return. Just as he was ready to depart, the two queens, Mary of Brabant, widow of Philip the Hardy, and Joanna of Navarre, wife of the present king, entreated him to renew the negociation with them. The great desire they expressed of procuring a firm peace between the two kings, and Edmund's instructions from the king his brother, easily induced him to consent to the proposal. The two queens represented to him, that Philip was extremely offended at the affronts received from Edward's subjects, and particularly from certain persons of Guienne, against whom he was incensed to the last degree: that therefore it was impossible to come to a good agreement, unless a reasonable satisfaction was given him. They added, as the king's ho-

Walsing.

[k] The beginning of the year 1293, two cardinals came into England, to try to make peace between the kings of England and France; but nothing could be brought to a conclusion. Mat. Westm. p. 419. See Rymer's Sanctio, tom. ii. p. 669.

[l] Mr. Walsing says he had orders privately to propose a marriage, and to offer to deliver part of Gaslongne and some castles, in the hands of King Philip, for the space of forty days, if the treaty of marriage were effect. p. 461.

nour

nour was concerned in the affair, there was no other way to appeaſe him, but by Edward's making him a public reparation, to ſhow the world that he diſclaimed what was done by his ſubjects. To that end they propoſed that Xaintes, Talmond, Turenne, Puymirol, Penne, and Monflauguin, with the perſons complained of, ſhould be delivered to Philip. But as this ſatisfaction ſeemed unreaſonable, they intimated to Edmund, that it was only for form ſake, and that Philip would engage to reſtore the towns and perſons, upon their own requeſt. Moreover they promiſed that as ſoon as the king's honour was ſafe by this reparation, he ſhould revoke the ſummons, and give Edward a ſafe conduct to come to him at Amiens, where he would receive his homage. Edmund conſented to all theſe propoſals, provided the two queens would ſign them in writing, and promiſe with an oath that the particulars agreed upon ſhould be punctually performed. The treaty, which was ſigned by the two queens, and, for the king of France's honour, was to be kept ſecret, was ſent to Edward, who ſeemed very well ſatisfied. He was chiefly intent upon what concerned Scotland, and in all likelihood his many ſummons to Baliol on trifling pretences, were intended only to cauſe him to rebel, in order to have occaſion to puniſh him. Beſides, whilſt the affair was negociating at Paris, he made himſelf maſter of Scotland: ſo as a war with France at ſuch a juncture could not but greatly embarraſs him, he was very glad to give Philip a ſeeming reparation, which in the main was no prejudice to him. Finding therefore the French king was contented with an appearance of reparation, he reſolved to give it him more fully than was even deſired, in order to be more ſecure of a peace with France, ſo neceſſary for him. To that end he gave Edmund power to deliver to the king of France all Guienne, with its metropolis, and ſent poſitive orders to the ſeneſchal to obey the prince's command, without any exception. Edmund acquainting the king of France with the orders he had received, declared he was ready to execute them, but on condition that, in the preſence of creditable witneſſes, the king would promiſe with his own mouth to perform the articles ſigned by the two queens. Philip was very willing to give him that ſatisfaction; and going into a certain room, attended by the duke of Burgundy, gave his royal word before the duke, the two queens, Blanch of Navarre wife of Edmund, and the Engliſh ambaſſadors, to perform the treaty: at the ſame time he revoked with his own mouth Edward's ſummons, and ordered the revocation to be

Act. Publ. tom. ii. p. 619.

published in open hall by the bishop of Orleans. Edmund thinking himself secure on that side, ordered the seneschal of Guienne[m] to deliver the dukedom to the person that should be empowered by the king of France. Ralph de Nesse, constable of France, was commissioned to take possession of Guienne in Philip's name. The seneschal would have proceeded with caution, and not delivered up the province, but on the terms of the treaty, of which Edmund had informed him: but the constable refused to be tied to any conditions, alledging he knew nothing of the treaties between the two kings, and was ordered only to take possession of Guienne in his master's name. Then he demanded the persons agreed upon, and sent them to Paris.

Guienne is delivered to the king of France.

Ib. p. 620.

Philip refuses to execute the treaty.

All the articles being more than performed on the part of England, Edmund demanded the restitution of Guienne and the persons stipulated in the secret treaty. To which it was answered, that his demand should be examined in the king's council. At the same time Philip sent him word, not to be surprized if he gave him a harsh answer before the council, on account of some members who were not in the secret, but as soon as they should be gone, he would give him entire satisfaction. Edmund relying upon his word, appeared before the council, where Philip was present, and demanded the restitution of Guienne, to which that monarch roughly replied, he would not restore it. This answer not surprizing the prince, who expected it, he withdrew into the next room, waiting for the performance of the king's promise, and was left there some time without any other answer: at length the bishops of Orleans and Tournay came and told him, it was in vain to wait any longer, for the king would not be sollicited any more upon that affair. Some days after, Philip came to the parliament, without acquainting Edmund, and ordered the king of England to be publicly cited to appear and answer to the articles exhibited in the summons. Edmund not being then in the palace, Hugh de Vere and John de Lacy, Edward's ambassadors, entered and said, they could not have imagined this affair would be decided by way of justice, but according to the treaty, especially as the summons had been revoked. This excuse not being admitted, they were dismissed; and though they desired only till the next day to consult with the king's brother, they could not ob-

Act. Publ. tom. ii. p. 634.

M. Westm. p. [illegible].

m Sir John de Hastings, [illegible] January 3, at Paris, in 1294. Rymer's John de St. John [illegible] Fœd. tom. ii. p. 619. [illegible]

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tain that delay. So the court decreed the confiſcation of Guienne to the king of France. M. Weſt.

This is the ſubſtance of a memorial in the Collection of the Public Acts, where prince Edmund himſelf gives an account of the affair, and the manner in which it was tranſacted, from the beginning of his negotiation. It may indeed be objected, that it comes from one of the parties, and conſequently his teſtimony is not to be credited: but, beſides the plainneſs of the memorial, the conqueſt of Guienne, without ſieges and battles, makes the relation very probable. Moreover, we find in the Collection, ſeveral of Edward's letters, complaining of being deceived by the king of France. There is one, among the reſt, directed to the prelates and barons of Guienne, wherein he excuſes himſelf from making a treaty with France, without their advice; and tells them, he is deceived as much, or more, than themſelves. This is further evident from the diſclaiming of the homage he had done to Philip, in the following words: p. 620, &c. Act. Pub. II. p. 637, 639, 641, 642, 647, &c. p. 644.

"Our ambaſſadors ſhall ſay to the king of France theſe "words: Recantation of the homage done by Edward to Philip. Ib. p. 650.

"Sire, Our lord the king of England, lord of Ireland, and "duke of Aquitain, did you homage conditionally; namely, "according to the form of the peace made between your anceſtors and his, which you have not kept. Moreover, that "all differences between your ſubjects and his might be ended, a ſecret treaty was made between you and my lord "Edmund his brother, as you may remember, containing "certain articles which you have not performed, though he "has done more than was promiſed on his part. After that, "he required you twice by his ſaid brother, and a third time "by the peers of France, and other great men of your kingdom, to reſtore him his land of Guienne, and to deliver "thoſe of his ſubjects whom you detain in priſon, which you "have refuſed. And therefore it ſeems to him, that you no "longer count him your vaſſal; and accordingly he refuſes "to be ſo for the future [n]."

How great ſoever Edward's vexation might be, to ſee himſelf thus impoſed on by Philip, he choſe rather to leave Gui-

[n] I ſaid above, that the French hiſtorians explain not the manner how Philip the Fair made himſelf maſter of Guienne, becauſe I had not then ſeen rather Daniel's hiſtory, which relates ſome part of what is contained in prince Edmund's memorial, though in a very abridged manner, with remarkable differences, and without exactly obſerving the order of time, in quoting Walſing. in Edwardo. Rapin.

War of Guienne of little importance. Ib. p. 651. M. West. p. 416. Act. Pub. ii. p. 654, 693. Walsingh.

enne in the hands of that prince, than relinquish the war with Scotland, which to him seemed of greater importance. Besides, he was sensible, before he ingaged in a war with France, it would be necessary to prevent the diversion the Scots might make on the frontiers of the north. For this reason he was contented with sending his brother Edmund into Guienne, with a few troops [o], his sole aim being to keep Philip employed in those parts, for fear of his assisting the Scots. Edward not intending a vigorous prosecution of the war in Guienne, where he had only Bayonne, and some neighbouring places, it may well be thought what passed there cannot be very considerable: and yet the French boast of gaining two battles, one under the earl of Valois, and the other under the earl of Artois. But these actions could not be very important, considering the small number of Edmund's forces. The truth is, France was obliged to keep there a considerable army, because she had to oppose not only the English, but the revolts of the natives, who were extremely displeased with having a new master. The superiority of the earl of Valois's forces, obliged Edmund to shut himself up in Bayonne, where he died in 1296 [p]. Lacy earl of Lincoln, who took the command of the English troops, besieging Daes, was forced to make a hasty retreat upon the approach of the earl of Artois, who was advancing to raise the siege. Perhaps he received on this occasion some little loss, which the French call a battle [q]. However, I do not think it necessary to dwell any longer on the war of Guienne, since it produced no remarkable event [r].

Knighton. M. West.

Edward gains the earl of Flanders to his side.

It was not in Gascogne that Edward intended to exert his utmost against France. He perceived it very difficult to recover a province so remote from England, and where he had no other place but Bayonne. His design was to attack Philip in Flanders, where the situation of affairs seemed to promise him better success. The earl of Flanders's circumstances obliged him to seek for protection against France; and he could find none so near or so ready as that of the king of England,

[o] He sailed with three hundred and twenty-five ships from Plymouth, Jan. 25, and Henry de Lacy, earl of Lincoln, along with him. Rymer's Fœd. tom. ii. p. 688, 699. Walsing.

[p] He very probably died in June, and lies buried in Westminster-Abbey. See Rymer's Fœd. tom. ii. p. 719. As does also William de Valence earl of Pembroke, who died this year, June 13. M. West.

[q] In one skirmish John de St. John, governor of Guienne, was taken prisoner. M. West. Walsing.

[r] Father Daniel will have it, that this was a very sharp war, and that the English were very strong in Guienne. The English historians speak of it in a very different manner, and with greater probability, for the reasons above-mentioned. Rapin.

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who burned with deſire to be revenged. The occaſion of the earl's difference with Philip was this.

Affairs of Flanders.

In the year 1284, Guy (ſo the earl was called) quarrelled with the Gantoi's, on account of the government of their city, which they pretended he had nothing to do with. In the reign of Philip the Hardy, this affair was brought before the parliament of Paris, who paſſed ſentence in favour of the earl, and fined the magiſtrates. Guy took this occaſion to be as troubleſome as poſſible to the inhabitants of that large city, which they highly reſented. When Philip the Fair aſcended the throne, things had another face. Philip perceiving the quarrel between the earl of Flanders and the Gantoi's offered him a favorable opportunity to make an advantage of their diſcord, was unwilling to neglect it. Wherefore, he privately ſent word to the magiſtrates of Ghent, that if they would renew their proceſs againſt the earl, he was ready to do them juſtice. This was ſufficient to engage the city to revive the quarrel. The affair being once brought before the parliament of Paris, the authority of the thirty-nine magiſtrates or governors, aboliſhed by the former decree, was re-eſtabliſhed in Ghent. The earl was extremely offended, that Philip ſhould reſtore to the city a power which to him was ſo odious. He durſt not however ſhew his reſentment; but reſolved to take meaſures to ſtrengthen himſelf againſt him, regarding him as an enemy, whoſe deſigns he ought to prevent. Some time after, by means of Robert de Bethun his ſon, he perſuaded the cities of Flanders to fortify certain places, contrary to the tenor of the treaties with France; aſſuring them, they would meet with no oppoſition from him. Guy's aim was to ſet the cities at variance with France, leſt Philip ſhould excite them againſt him. Philip was informed of the earl's proceedings; but, as he was then otherwiſe employed, he did not think proper to diſcover his reſentments, either againſt the cities which had violated the treaties, or againſt their adviſer. Mean while his very ſilence made the earl ſenſible, he was to expect an attack ſome other time. Things continued thus for ſome years. Philip diſſembled his anger, and Guy continually thought of means to prevent its effects.

M. Weſt. Walſingh. Act. Pub. ii. p. 741, &c.

During theſe tranſactions, the rupture between France and England broke out. Though Edward uſed all poſſible means to avoid a war, by the negotiation at Paris, he believed that whatever happened, he ought to ſecure the aſſiſtance of the earl of Flanders, whoſe diſcontent was no ſecret to him. To that end, he demanded his eldeſt daughter in marriage for prince Edward his ſon, judging it an infallible means to bind

him

him strongly to his interest. The negotiation, though secret, came to Philip's knowledge, and gave him great uneasiness: but he concealed it, lest by showing it he should deprive himself of the means to prevent an alliance so prejudicial to France.

Ibid. p. 742. To compass his ends, he pretended ignorance; and upon some pretence drawing Guy and his countess to Paris, kept them prisoners. It was a sort of favour that he gave them their liberty, on condition they delivered their daughter in hostage, and promised to break their alliance with Edward, on pain of excommunication. Guy was no sooner in his dominions, but he tried all methods to recover his daughter from Philip: but it was not possible to succeed. Philip was too apprehensive of the earl's union with England, voluntarily to let go the pledge he had in his power.

1297. Edward forms a league against France.

Whilst these things passed, the affairs of Scotland, which wholly employed Edward, afforded him neither leisure nor opportunity to think of his projected war against Philip. But as soon as matters were as he wished, he turned all his thoughts to revenge. Philip's fraudulent proceeding, being an injury not to be easily forgot, he had put a great restraint on himself, in delaying thus long to make him repent of it. However, as he was going to deal with a potent adversary, it was necessary to have a powerful army, which England alone was not able to supply. (M. West.) Wherefore he sought means to form beyond sea a strong league against France, and though it seemed very difficult, failed not to accomplish it. Besides the earl of Flanders whom he gained without trouble, Adolphus of Nassau, newly elected emperor, Albert duke of Austria, the archbishop of Cologn, and several other princes of Germany, the duke of Brabant, the earls of Holland, Juliers, and Luxemburg were engaged in the league, by the great sums Edward was to furnish them with [a]. All these princes, proud of their numbers and strength, sent cartels of defiance to Philip, of whom he was offended with none so much as the earl of Flanders, who being his vassal, boldly told him, he would no longer acknowledge him for sovereign.

(Act. Pub. tom. ii. p. 650, &c. 761, &c. — Mezerai. Char. Belg.)

Edward checks the pride of the clergy. (Walsing. M. West. T. Wikes.)

Whilst Philip was preparing to repulse this attack, Edward was using all possible endeavours to procure the money which he wanted extremely, on account of his engagements with

[a] M. West. says, Edward promised to give the emperor a hundred thousand pounds sterling, p. [illegible]. In Rymer's Fœd. it is three hundred thousand pounds of black Tournois, tom. ii. p. 761. And gave the earl of Flanders fifteen thousand pounds, to satisfy his vassals. Ib. p. [illegible]. King Edward gained also Amadeus earl of Savoy to his side, and sent him two and twenty thousand pounds sterling, to pay the forces that were to be raised in his dominions, and the parts adjacent. Ib. p. 651.

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the confederate princes. To that end he assembled the parliament at St. Edmundsbury, and obtained an aid of the eighth part of the moveables[t] of the cities and burroughs, and a twelfth of the rest of the laity. This example could not influence the clergy. They pretended they were exempted from giving aids to the king, by virtue of a bull sent the last year by Boniface VIII. to the archbishop of Canterbury, which he had kept without making public. By the bull all ecclesiastics were expressly forbid to pay any tax to secular princes, without the consent of the holy see. The clergy's refusal provoked the king very highly: nevertheless before he proceeded to violent methods[u], he caused it to be represented to the principal members, that since they possessed fees in the kingdom, and enjoyed the protection of the laws, as well as the rest of his subjects, it was but reasonable they should contribute to the public expences. But these remonstrances were ineffectual. When he found he could not prevail, he commanded all the lay-fees possessed by the clergy to be seized, and their persons to be thrown out of the protection of the laws; expressly forbidding his judges to do them justice in any case whatsoever. So bold a step astonished the clergy, who, since the beginning of the monarchy, had never experienced the like resolution in any king of England. If Edward had been like his father or grandfather, perhaps that powerful body would have found, in the people's discontent, means to make the king repent of his boldness. But as they perceived it would be difficult to stir up the people, they did not think proper to exert their endeavours, which probably would be to no purpose. Wherefore some speedily compounding with the king for the fifth of their goods, their example drew in the rest. The archbishop of Canterbury was treated more severely, as he was not only the first adviser of the clergy's refusal, but persisted in it more obstinately than the others[w]. The king ordered all his estates to be seized, with the revenues of the monasteries of his diocese, and committed the management of them to officers, who left the monks no more than was absolutely necessary for their subsistence. In all appearance, this was to punish them for too warmly adhering to their archbishop. The king's resolution at length made

Act. Pub. ii. p. 707.

M. West. p. 428. Walsing.

M. West. Walsing.

[illegible]

that prelate ſtoop, who to recover his ſovereign's favour gave him a fourth part * of his goods. Thus the clergy when they meet with vigorous princes, are as ſubmiſſive, as they are haughty, when they have to deal with thoſe that are ſcrupulous and weak.

Edward is oppoſed by the barons. M. Weſt. Walſing.

Shortly after, on much the ſame occaſion, the lay-lords ſhowed more ſteddineſs than the prelates, though againſt the ſame prince. To execute his grand projects, he aſſembled the nobility at Saliſbury, on purpoſe to ſee exactly what troops each baron could furniſh him with †. His intention was to make a powerful diverſion in Guienne, whilſt he preſſed the enemy on the ſide of Flanders. But it was difficult to find lords that would ſerve, but where he commanded in perſon. Every one deſired to be excuſed ſerving in Guienne, though they were willing to furniſh the troops. Edward, not ſatisfied with their excuſes, threatned to give their lands to ſuch as would be more obedient. Theſe menaces raiſed great commotions among the nobles. They were far from thinking their lands at the king's diſpoſal. Humphrey Bohun high-conſtabl., and Hugh Bigod earl of Norfolk and marſhall of England, more bold than the reſt, plainly told the king, they were ready to follow him where he commanded in perſon, and not otherwiſe. The marſhall added, he was willing to lead the van-guard under the king, as his office obliged him, but would not ſerve under any other, to which none had a right to compel him. The king anſwered in a great paſſion, he would make him go. To which the other replied, he ſhould not. "By the eternal God, ſaid the king then, in "great rage, you ſhall either march or be hanged." "By "the eternal God, replied the earl, I will neither march nor "be hanged;" and immediately withdrew without returning to court any more.

Boldneſs of two earls. Knighton. Col. 2493. Walſing. C. Abingt.

The king durſt not chaſtiſe them. M. Weſt.

Edward had ſeen, in the king his father's reign, frequent and fatal inſtances of the inſolence of the barons. He knew too well how great their union was in the defence of their privileges, to hazard his reputation and quiet in a war againſt them. A quarrel of that nature muſt have been very prejudicial to him, as well as to the whole kingdom. The leaſt inconvenience that could happen, was the loſing the oppor-

* The fifth part, ſays M. Weſt and Walſing.

† He ordered thoſe that held by knight's ſervice, and all that were worth above twenty pounds a year in land, to be ready at London, by Auguſt 1, with horſe and arms, to go over with him into Guienne.—And alſo raiſed the cuſtom upon wool, from twenty to forty ſhillings per bag. Walſing. p. 69.

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tunity of being revenged of the king of France. As the barons ſtood diſpoſed, it was ſcarce to be doubted, but they would have all joined againſt him, if he had undertaken openly to chaſtiſe the inſolence of thoſe that dared to withſtand him to his face. He had ſtill farther reaſon to be confirmed in this belief, when he heard that, dreading his reſentment, they began to raiſe troops in their defence, in caſe he deſigned to attack them[z]. Without much penetration it was eaſy to ſee, they were ſupported. Theſe conſiderations induced the king to hide his reſentment till he could ſhow it effectually. Beſides, he was unwilling to loſe the opportunity of going into Flanders, where the wants of the earl his ally inceſſantly called him. However, it was not long before he found a favorable juncture to correct the boldneſs of the two earls, by turning them out of their poſts, becauſe they refuſed to do ſomething belonging to their offices, for fear of falling into his hands. He was very near repenting what he had done. As he was going to embark, he received from the biſhops, earls, barons, and commons of the realm, a long remonſtrance, containing a liſt of the grievances of the nation, and ſeveral violations of the great charter. This proceeding made him ſenſible, he was to act with deliberation, for fear of provoking a nation, which ſeemed ready to take fire upon the firſt occaſion. He returned therefore a very gracious anſwer to the remonſtrance, and promiſed, upon his honour, to redreſs, at his return, all the abuſes complained of. He deſired the nobles to be quiet during his abſence, aſſuring them, he would give them entire ſatisfaction. As it was no leſs neceſſary to appeaſe the people, exaſperated by the ſecret practices of the two earls, he publiſhed a proclamation to juſtify his conduct, and ſhew his reaſons for turning out theſe two great officers. Amongſt other things, he ſaid in the proclamation he was informed his people were made to believe, that he refuſed to receive remonſtrances, tending to the good of the public, which he affirmed to be falſe. He expreſſed likewiſe great ſorrow for having put his ſubjects to vaſt expences for the maintenance of his wars. He deſired his people to excuſe what neceſſity had conſtrained him to do, and promiſed to obſerve the great charter punctually for the future, which he ſhortly after performed. The prince his ſon, whom he left

He turns them out of their offices.

The people complain to the king. Knighton. Col. 2511. Walſing. p. 71. M. Weſt.

He appeaſes them by a proclamation.

Act. Pub. ii. p. 783.

Knighton.

[z] They drew ſeveral of the great men to their ſide, and aſſembled about fifteen hundred men together, intending to ſtand upon their own defence: they refuſed alſo to pay all manner of taxes or contributions. Knighton.

regent,

Act. Pub. ii. p. 791. Walſing. Knighton. M. Weſt.

regent [a], aſſembling the parliament, and obtaining a large ſubſidy [b], confirmed king John's two charters, by an authentic act, ſigned in Flanders by the king himſelf, and ſealed with the great ſeal which he had carried with him [c]. We may obſerve in the hiſtory of England ſeveral of the like inſtances. I mean, that the kings, who have dealt gently with their ſubjects, and anſwered with moderation to their complaints, have ſeldom failed to appeaſe them, provided they have not, like Henry III. affected continually to deceive them and break their word. On the contrary, ſuch as have acted too haughtily, have generally brought themſelves into great trouble; of which we have ſeen very remarkable examples in ſome of the foregoing reigns.

Philip prepares for his defence.

Whilſt Edward was employed at home in making preparations to ſupport the league againſt France, Philip was no leſs careful to provide againſt the impending aſſault. He ſtrengthened himſelf by alliances with the kings of Caſtile and Arragon, and raiſed a powerful army, whilſt Joan queen of Navarre his wife, aſſembled her own forces to aſſiſt him. Champagne, which belonged to that princeſs, was firſt attacked by the earl of Bar, one of Edward's allies, who ravaged the province from one end to the other. But the ſequel of this undertaking was as fatal to the earl, as the beginning was proſperous. Upon the queen's approach, who

[a] The following perſons were appointed his governors or councellors, Richard biſhop of London, William Beauchamp, earl of Warwick; and Reginald de Gray, John Giffard, and Alan Plokenet, knights. Walſingham. John de Langeton was appointed chancellor. Rymer's Fœd. T. ii. p. 791.

[b] In conſideration of his confirming the two charters, the laity regranted him the eighth part of their goods, they had given before at St. Edmondſbury; (for it had not been yet levied;) the earls of Hereford and Norfolk, having given expreſs orders to the barons of the exchequer, and the ſheriffs, not to attempt to collect it; alledging, that it had been granted without their knowledge, "ſine quorum aſſenſu talla-"gium non debet exigi, vel imponi." M. Weſt. p. 432.) The clergy alſo granted the king a tenth. Ibid.

[c] It was ſealed at Ghent, November 5. This act or ſtatute is extant in Coke's ſecond inſtitute, p. 525. and contains ſome additions to, or explanations of ſome articles in Magna Charta. It is as follows, 1. No tallage, or aid, ſhall be impoſed, or levied, by us or our heirs, in our kingdom, without the will and conſent of the archbiſhops, biſhops, earls, barons, knights, burgeſſes, and other freeholders in our kingdom. 2. No officer belonging to us, or our heirs, ſhall take the corn, proviſions, or any other goods whatſoever, without the owner's conſent. 3. Nothing ſhall be taken for the future, for any lack of wool, under the name and pretence of cuſtoms. 4. We will and grant, for us and our heirs, that all the clergy and laity in our kingdom, enjoy all their laws, liberties, and free cuſtoms, as fully and freely, as they have been uſed to enjoy them at any time. And if any ſtatutes have been made, or cuſtoms introduced, by us or our anceſtors, contrary to them, we will and grant, that they be for ever void and null. The teſt relates only to the earls of Eſſex and Suffolk, &c. See Coke's ſecond inſtitute, p. 532, &c. Knighton, Walſingham.

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was advancing to defend her country, the earl, ſeized with fear, and unable to fight, or retreat, was forced to ſurrender to that princeſs, who ſent him priſoner to Paris.

Mean while, the confederate princes made no haſte to ſend their troops into Flanders. Adolphus of Naſſau, detained by troubles which Philip had raiſed him in Germany, or as ſome affirm, by preſents, could not, or would not perform what he had promiſed. The duke of Auſtria was bribed by the ſame means, and the dukes of Brabant and Luxemburgh, the earls of Guelders and Beaumont, followed their example. Philip improving this advantage, entered Flanders at the head of ſixty thouſand men, and immediately ſat down before Liſle. Guy, who impatiently waited for the Engliſh ſupplies, was not able to withſtand the king of France, not having half the forces he was made to expect. All he could do was to try to break Philip's meaſures by a diverſion, under the conduct of the duke of Juliers. When the king of France heard, that general had taken the field, he detached the earl of Artois, who meeting him near Furnes, gave him battle, and put his army to rout. The duke of Juliers was ſlain in the fight, and the earl of Artois loſt his eldeſt ſon. The defeat cauſed Guy not to ſtir from Ghent and Bruges, where he expected Edward. Beſides, he was in great perplexity, by reaſon of the diviſions in his country. There were two parties in Flanders, one, called Port-lys, was in the intereſts of France, and the other for the earl.

He corrupts Edward's allies,

Walſing.

and beſieges Liſle.

The duke of Juliers defeated by the French.

Edward arrived at laſt, after having been long expected, but with forces little proportioned to the great undertaking [d], becauſe he depended upon the allies, who were not ſo good as their word. At his entry into Bruges, he found the whole city in confuſion, by reaſon of the animoſity of the two fore-mentioned factions. It was with difficulty, that he at length appeaſed the commotions of the city, by granting the inhabitants certain privileges concerning their commerce with England. After that he came to Ghent, where he found the ſame diviſions. So, as on his part, he brought not with him all the forces he had promiſed, he himſelf ſaw with vexation how little able the earl of Flanders was, to ſupply the troops he had been made to expect. The Flemings were divided concerning the war. Some approved of it, whilſt others maintained it to be deſtructive to their country, and undertaken by their prince for his own, or the king of England's intereſts. Whilſt Edward was employed in compoſing

Edward arrives in Flanders. T. Wikes. Walſing. Knighton.

Factions there prejudicial to his intereſts.

[d] Knighton ſays, he carried over one thouſand five hundred men at arms, and fifty thouſand foot; thirty thouſand whereof were Welchmen.

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Liſle taken by Philip, who makes other conqueſts.

theſe differences, ſo prejudicial to his affairs, Philip, after a three months ſiege, made himſelf maſter of Liſle. When he was in poſſeſſion of that place, he eaſily reduced Douay, Courtray, and ſome other towns in the neighbourhood. Then he marched to Bruges, which ſurrendered without reſiſtance. He had formed the project of burning the Engliſh fleet, which lay at anchor at Dam. But the earl of Valois, who had taken the expedition upon him, not being ſecret enough in his preparations, found the Engliſh ſhips ſailed.

A truce between the two kings. Act. Pub. ii. p. 795, &c.

All Edward's meaſures were broken by the treachery of his chief allies, who forſook him after taking his money. The ſupplies he could expect from the earl of Flanders, were uncertain and inconſiderable, by reaſon of the Porte-lys faction, which oppoſed all reſolves detrimental to France. His own troops were too few to enable him to withſtand his enemy's forces. Beſides, freſh commotions in Scotland rendered his preſence neceſſary in his kingdom, where too he was not without fear, that his abſence might occaſion ſome troubles. All theſe conſiderations induced him to ſeek ſome expedient to get off, without being obliged to abandon the earl of Flanders, whom he had ingaged in his quarrel. He found no better than to deſire a truce, which was granted him ſolely upon the account of the king of Sicily, and the earl of Savoy, who uſed their intereſt for him. By the truce, (which was to laſt but till the Epiphany for Guienne, and till St. Andrew's day [e] only for Flanders) Philip continued in poſſeſſion of the places he had taken. Probably, this condition ſerved to prolong the truce for two years, Philip being very well pleaſed peaceably to enjoy his conqueſts. How haſty ſoever Edward might be to ſettle matters in Scotland, he ſpent the reſt of the winter at Ghent, to try to unite the inhabitants of that powerful city. He hoped by that means to have a conſiderable aſſiſtance from thence, when the truce was expired. During his ſtay, he was in danger of his life, by a ſedition of the citizens, who were reſolved to murder all the Engliſh. It is ſaid, he owed his life to the generoſity of a Flemiſh knight, of the Porte-lys faction, who by his intreaties ſtopped the fury of the mutinous people. His danger giving him reaſon to dread ſome freſh inſult, he relinquiſhed his undertaking and returned to his dominions.

Act. Pub. ii. p. 800, &c. 804, &c.

Edward ſtays in Ghent, and is like to be killed. M. Weſt.

Such was the ſucceſs of Edward's expedition into Flanders. The powerful league which ſeemed ready to ſwallow up France, ſerved only to drain the treaſure of the projector, and

[e] Till eight days after. See Rymer's Fœd. tom. ii. p. 795—793.

con-

convince him, how difficult it would be to recover by force the country loſt by his imprudence. To be diſappointed in his projects, was not much: that is a misfortune to which the greateſt men are ſometimes liable. But here was more: he could not extricate himſelf out of the difficulties he had run into, without greatly injuring his honour. Notwithſtanding his promiſe to protect the earl of Flanders, he deſerted him however, as will be ſeen hereafter. Let us return now to Scotland, which is to be the chief ſubject of the reſt of this reign.

Though Edward had conquered Scotland, he had not ſubdued the hearts of the Scots, who bore with impatience the yoke impoſed on them by force. When they ſaw Edward employed in Flanders, they took that opportunity to riſe under the conduct of William Wallace, a man of no illuſtrious family, and of a ſtill meaner fortune, but of a very great genius [f]. This generous Scot, though of little authority among his countrymen, took upon him to raiſe his country out of the gulph of miſery wherein it was plunged, whilſt the perſons of the higheſt rank, divided by factions, or adhering to the conqueror, were ſtriving who ſhould moſt perpetuate its ſlavery. The Scotch writers give this famous man a character, which equals him to the greateſt heroes, and are at a loſs for words lofty enough to expreſs his merit. Wallace then, though ſcarce known in Scotland, reſolving to retrieve the liberty of his country, aſſembled a ſmall number of troops for that purpoſe. How inconſiderable ſoever this body was, of which he had the command, he made ſo wonderful a progreſs, that one does not know which to admire moſt, either the boldneſs, or the firſt ſucceſs of his enterprize. All that longed for liberty, finding there was a man hardy enough to head them, liſted in crowds under his banner, and quickly formed a conſiderable army. With this aid, Wallace attacked the places poſſeſſed by the Engliſh, and whoſe garriſons were weak, becauſe Edward had wanted his troops in Flanders. By his ſeverity to thoſe that fell into his hands, he ſtruck ſuch terror into the reſt, that ſcarce any place held out to extremity, for fear of being liable to the ſame treatment. By this means he recovered in a very ſhort ſpace, all the towns taken by the Engliſh, and left them only the ſingle town of

Affairs of Scotland.

William Wallace ſtirs up the Scots to a revolt. Buchanan. Walſing.

He drives the Engliſh out of Scotland. Walſing. Knighton.

[f] T. Walſingham ſays, that William de Ormesby, king Edward's juſticiary in Scotland, having baniſhed ſeveral perſons out of that kingdom, becauſe they refuſed to ſwear fealty, and do homage to his maſter; they entered into a confederacy, and choſe Wallace for their leader, in May, this year, p. 70.

Ber-

He is declared regent. Buchanan. Berwick [g]. These prosperous successes bred in his army so great admiration for his bravery, that, without standing upon the usual formalities, he was declared regent of the kingdom. Edward, who was then in Flanders, hearing of Wallace's progress [h], hastened the conclusion of the treaty above-mentioned, and returned into England, bent upon severely punishing the revolt of the Scots.

1298. Philip and Edward choose the pope for umpire. Act. Pub. ii. p. 808, &c. Walsing. Act. Pub. ii. p. 817.

Before he undertook the expedition, it was absolutely necessary to settle two affairs of equal importance. The first was, to find some way to make peace with France, lest Philip should assist the Scots. The second, to give some satisfaction to the people, as he had promised to do after his return. He found no better method to attain his first aim, than by getting Philip to agree to refer their difference to Boniface VIII. who was not yet at variance with that prince as he was afterwards. Philip closing with the proposal, the two monarchs left their contests to the pope's arbitration, not as head of the church, but as a private person under the name of Benedict Cajetan.

Edward confirms the great charter. Walsing.

This affair being like to succeed, the second was to be thought of. In order to gain the affection of his subjects, Edward called a parliament [i], and, of his own accord, confirmed the great charter [k]. It is true, he insisted very much upon having this clause inserted in the confirmation, Saving the Prerogatives of the Crown. But finding the parliament opposed it with great warmth, he chose to desist, which had a very good effect upon the people.

He marches into Scotland. Walsing. Knighton.

Edward being thus freed from the uneasiness these two affairs gave him, put himself at the head of a powerful army, and advancing towards the middle of Scotland, met his enemies at Falkirk. The two armies were encamped so near

[g] And soon after the Scots became also masters of [illegible]; namely, after the battle of Stirling, wherein the English were defeated, and Hugh de Cressingham the treasurer slain; whom the Scots hated so, that they flea'd him, and cut his skin in pieces. Walsingham, p. 75.

[h] He ordered John de Warren, earl of Surrey and Sussex, to assemble the militia beyond the Trent, and go and chastise the Scots accordingly. The earl sent his nephew, Henry de Piercy, into Scotland, but it does not appear he performed any remarkable exploit. Ib. p. 76.

[i] At York. Walsingham. M. Westm. p. 431. And because the confirmation of the two charters had been done beyond sea, the earls of Hereford and Norfolk insisted, that the said confirmation should be now renewed: the earls of Surrey, Warwick, and Ralph de Monthermer, promised in the king's name, that it should be done, at his return from Scotland; which was accordingly performed, in a parliament holden at London, in [illegible]. Walsingham.

[k] He appointed also commissioners in each county, to enquire into the grievances. See Rymer's Fœd. tom. ii. p. 81[illegible]. The laity granted him a ninth, and the clergy a tenth. M. Westm. p. 431.

to-

together, that the Engliſh hearing a great ſhout in the enemies camp, haſtily ran to their arms, believing they were going to be attacked. The king alſo would mount his horſe, but as he was putting his foot in the ſtirrup, the horſe frighted by the noiſe, threw him on the ground, and with a kick broke two of his ribs. This ſad accident hindered him not from being in the battle, which quickly enſued, and commanding with the ſame preſence of mind as if he had been unhurt. The battle proved bloody, and withal very fatal to the Scots, who according to ſome writers, loſt threeſcore thouſand men: but this is not very likely. Others, who reduce the number to ten thouſand, are perhaps as wide of the truth. Be this as it will, the loſs of the Scots was ſo great, that for a long while they were not able to hold up their head. Wallace, with the remains of his army, retired behind the northern fens, where it was not poſſible to follow him. Mean time, Edward improving his victory, retook all the places of ſtrength, with the ſame eaſe he had loſt them. So he may be ſaid on this occaſion to conquer Scotland a ſecond time. After giving neceſſary orders for the preſervation of the kingdom, he marched back into England, where he was called by important affairs.

and defeats the Scots at Falkirk. Buchanan. Walſing. M. Weſt.

Wallace was not then in a condition to take advantage of Edward's abſence. He had not only loſt his army, but moreover plainly perceived the jealouſy of the Scotch lords was one of the principal cauſes of his defeat. His virtue, inſtead of filling them with emulation, made them apprehenſive of his aſpiring to the crown. In this belief, they choſe rather that their country ſhould groan under perpetual bondage, than ſee themſelves reduced to do homage to one of ſo inferior a birth. Theſe ſuſpicions muſt have been ſpread among the nobility, ſince Robert Bruce earl of Carrick, ſon of the candidate to the crown, upbraided Wallace upon it. The earl who ſerved in Edward's army, being on the day of the battle of Falkirk, in purſuit of Wallace who was retreating, and being ſtopped by a little river, which the Scots had juſt paſſed, ſent to deſire him to come and ſpeak with him on the oppoſite bank. Wallace conſenting to it, Robert repreſented to him; "That he was ruining himſelf by his ambition. "That there was no likelihood of his reſiſting the forces of "the king of England, and though he might flatter himſelf "with ſuch hopes, the great men of the kingdom would "never be brought to own him for king." Wallace replied, "That in taking up arms, he was not in the leaſt ſwayed "by ambition: That he acknowledged himſelf too unworthy

The Scotch lords are jealous of Wallace. Buchanan.

His conference with Bruce. Buchanan.

" of the throne, to dare to look ſo high; but that his only " aim was to free his country, which the great men of the " realm ſuffered to be ruined by their cowardice." It is ſaid this reply made ſuch an impreſſion on Bruce's mind, that he burſt out into tears. It is added, that he reſolved from that very moment, to uſe his utmoſt endeavours to deliver Scotland from the ſlavery ſhe groaned under.

Wallace lays down the regency. Buchanan.

Mean time Wallace, knowing how much the great men's jealouſy of him was prejudicial to the intereſts of the kingdom, reſigned the regency, and acted only as a private perſon. He ceaſed not however, to the utmoſt of his power, and upon all occaſions, to endeavour to ſet his country free. Some time after Edward left Scotland, they who had any remains of affection for their country, choſe Comyn for regent. But the regency was of little conſequence, ſince it gave him authority only over a ſmall part of the kingdom, and a few confuſed troops, eſcaped from the late battle.

Comyn choſen in his place. Id.

Edward puſhes the negotiation of peace with France.

Upon Edward's return into England [l], he uſed his utmoſt endeavours to promote the negotiation, now in the hands of the pope, for the reſtitution of Guienne [m]. Since he deſpaired of regaining that province by arms, the alliance of the earl of Flanders was a burden to him, the protection he had promiſed him being a perpetual obſtacle to the concluſion of the peace. He reſolved therefore to abandon his ally, and from thenceforward all difficulties began to vaniſh. The unfortunate earl, forſaken by the king of England, and, on the other ſide, preſſed by the earl of Valois, who commanded the French army in Flanders, knew not which way to turn himſelf. In this wretched ſituation, he was perſuaded at length to deliver himſelf up to that prince, who promiſed to conduct him to Paris, that he might treat in perſon with the king, and in caſe he could not within a twelve month

l After the battle of Falkirk, king Edward intended to march further into Scotland, but was forced to alter his reſolution, becauſe the country being utterly waſted, and his fleet not arriving with proviſions, as was expected, a great ſcarcity was thereby occaſioned in his camp. He retired therefore thro' the foreſt of Selkirk towards England, taking by the way the caſtles of Ayer and Loughmaben in Annandale: and from thence came to Carliſle, and afterwards to Durham, where he held a great council in the beginning of September, and beſtowed on ſeveral great men of England and Scotland, the eſtates of ſuch Scotiſh noblemen as had of late revolted from him. From thence he removed to Tinmouth, and then to Cotingham near Beverley, where he kept his Chriſtmas. Walſingham.

m Not long after Chriſtmas, king Edward held a parliament at London, on the firſt Sunday in Lent; wherein he was petitioned by the parliament to confirm the great charter, and charter of foreſts; accordingly he confirmed the former, but refuſed to confirm the latter: whereupon the parliament broke up in diſcontent. Mat. Weſt.

obtain

obtain a peace, to permit him to return into his dominions. But Philip not thinking himself bound by his brother's word, kept the earl prisoner.

1299.

The truce prolonged. Act. Publ. tom. ii. p. 849.

The pope's sentence. Act. Publ. tom. ii. p. 833, 840.

The two years truce between France and England being about to expire, the ambassadors of the two kings met at Montreuil upon the Sea, where the pope sent them his sentence of arbitration, the substance whereof was as follows: that Edward should again take possession of Guienne, and, to restore union between the two kings, should marry Margaret, sister of Philip [n], and that Isabella, daughter of Philip, should be given to the prince of Wales, son of Edward. It was said also in the sentence, that John Baliol, king of Scotland, should be delivered into the hands of the pope's nuncio, to be kept where he should think proper. The plenipotentiaries of the two crowns signed this sentence: but as there were several things to be adjusted in order to put it in execution, they agreed upon a truce, which afterwards was often prolonged before the treaty of peace was signed. Mean while Baliol was delivered to the bishop of Vincentia, the pope's nuncio, who committed him to the custody of some French bishops.

Truce granted to Scotland. Act. Publ. tom. ii. p. 868, etc. Buchanan.

When the new regent of Scotland heard that a treaty was negociating at Montreuil between France and England, he sent deputies to Philip, to intreat him to cause Scotland to be included. The juncture appeared favourable: Edward earnestly wished to recover Guienne by a treaty, not thinking himself in condition to regain it any other way; probably therefore he would upon that consideration grant Scotland tolerable terms, if the king of France would seriously endeavour to obtain them. And indeed Philip tried at first to persuade Edward to leave Scotland in quiet: but the moment he proposed it, he found it impossible to procure any thing but some little advantages, which too they would be obliged to purchase by a formal acknowlegement of the power that held them in slavery. Edward was in possession of Scotland, where he scarce met with any more opposition; so to propose his granting a peace to that kingdom, was in effect to desire him

n Eleanor, wife to Edward, died November 28, [illegible] Grantham, in Lincolnshire. [illegible]

to relinquiſh his conqueſt. On the other hand, he could not grant a ſeparate peace to the regent and his adherents, without leaving in Scotland a power independent of his own. All therefore that Philip could obtain was a ſeven months truce for ſuch as could not think of bearing his yoke. If we believe the Scotch hiſtorians, the truce was ill-kept by England. But perhaps this is only to juſtify Comyn's reſolution to break it. However that be, the regent aſſembled the lords whom he knew to be well-affected to their country, and repreſented to them the ſad condition it was reduced to. He told them, if they gave Edward time to ſecure his conqueſt, he would take ſuch meaſures as would render ineffectual all future endeavours for the recovery of their liberty: that as ſoon as the few remains of the Scots which ſtill reſiſted were ſubdued, he would entirely reduce the miſerable kingdom to a perfect ſlavery: that his deſign would now have been executed, had it not been retarded by the truces procured them by France: that there was therefore no time to loſe, and it was neceſſary ſpeedily to reſolve to make a generous effort for their liberty, or to leave their country in perpetual ſlavery. Then he ſhewed them with what eaſe they might free themſelves from the yoke, whilſt Edward depended on their weakneſs, and the winter ſeaſon offered them advantages which they could never more expect when once it was paſſed. Theſe remonſtrances produced the deſired effect. The lords, fond of liberty and impatient of their ſervitude, unanimouſly reſolved to riſe in arms, and every one laboured to inſpire the people with the ſame reſolution. It was not difficult to ſucceed, for the meaner ſort were ſtill more exaſperated againſt the Engliſh than the nobles, becauſe they were worſe treated. In a ſhort time the whole kingdom roſe, and it was not poſſible for the Engliſh garriſons to put a ſtop to ſo general a revolt. All the inhabitants of the towns as well as of the country taking up arms the ſame day and hour, the garriſons found themſelves attacked all at once, both within and without, with ſuch rage and fury, that there was no poſſibility of reſiſting. In a word, they were reduced to the neceſſity of deſiring leave to depart the kingdom, otherwiſe they could not avoid being cut in pieces.

Comyn exhorts the Scots to break it.

All Scotland riſes and drives the Engliſh out of the kingdom. Buchanan.

1300. Edward's third expedition into Scotland. Walſing.

Edward, enraged that there was no end of theſe things, raiſed an army with all poſſible ſpeed, and, as ſoon as the ſeaſon would permit, entered a third time, ſword in hand, that unfortunate kingdom. The Scotch army, which con-

* And in his way thither, held a parliament at York, November 11. Walſing. p. 77.

liſted

fifted only of ill-armed and undifciplined militia, not being able to ftand againft Edward, would have retired upon his approach; but he followed them fo brifkly, that being at length overtaken and obliged to engage, they were entirely routed. Hiftorians affirm that the fate of Scotland would have been determined that day, if the Englifh could have purfued their enemies through the fens, which were known to the natives, but which the conquerors durft not venture to pafs [p].

He defeats the Scots. M. Weftm.

The Scots, upon this defeat, defpairing of making any farther refiftance, had recourfe to intreaties and fubmiffions. They humbly defired the king to give them leave to redeem their lands with money, and to reftore their king on what conditions he pleafed. But he refufed both thefe requefts. This cruelty caufed them to feek means to eafe their mifery, by putting themfelves under the pope's protection, to whom they fent ambaffadors with an offer of the fovereignty of their country. Boniface VIII. whofe ambition is well known, immediately accepted the offer. He had been ufed to proceed very haughtily with Chriftian princes, imagining they were implicitly to fubmit to his will, and that his authority reached to temporals as well as fpirituals. In this belief he fuppofed his bare letter was fufficient to caufe Edward to quit all his pretenfions to Scotland. In the beginning of the brief, the pope took for granted what had never been heard of.

He rejects their fubmiffion. Walfing.

They apply to the pope, who accepts their offer of fovereignty. Walfing.

Boniface, fervant of fervants, etc. to our beloved fon Edward, illuftrious king of England, greeting, and apoftolical benediction.

The pope's bull to Edward. Act. Publ. tom. ii. p. 844. Walfing. M. Weftm. Knighton.

WE know, dear fon, and experience has often convinced us, how great your devout affection is for the church of Rome, who upholds you in the bowels of love. We know, I fay, your ardent zeal and reverence for her, and your readinefs to obey her orders. This gives us a firm hope and entire confidence that your royal highnefs will receive our

[p] King Edward having kept his Chriftmafs at Berwick, and delivered the government of Scotland to John de St. John, and others joined in commiffion with him, returned into England about Candlemafs; and coming to Winchefter, he fent for the citizens of London, and reftored their liberties, after they had been kept twelve years in his hands. But before he left Scotland, he iffued out his writs, dated at Berwick, December 29, for the calling a parliament to meet him at Weftminfter the fecond Sunday in Lent, at which the Great Charter and Charter of Forefts were renewed and confirmed, and a new ftatute was made for the better explaining them, [illegible] upon Charters, which may be feen in Coke's 2d Inftitute, [illegible] Chron. Rot. Claus. 25 Ed. I.

words in good part, diligently listen to them, and effectually put them in execution. Your royal highness may have heard, and we doubt not but you remember, that of old the kingdom of Scotland did, and does still, belong to the church of Rome, as all the world knows, and, as we have been informed, was never held either of yourself or predecessors, etc.

The rest of the brief, which is too long to be inserted, contains most of the objections against the pretensions of the kings of England to the sovereignty of Scotland. As in all appearance the pope had been instructed by the Scotch ambassadors, it is to be presumed that if, during the assembly at Norham, the states of Scotland returned no answer to what Edward alledged, it was not for want of proofs, but from quite another motive. The pope likewise upbraided Edward for all the violences committed in the Scotch war, and particularly for the imprisonment of several bishops. In fine, he made himself judge of the controversy between the English and Scots, and ordered the king to send ambassadors to Rome, with all necessary instructions, within six months at farthest, after which he would pronounce a final sentence.

Edward threatens to destroy Scotland. Walsing.

This haughty proceeding was by no means proper to cause Edward to lay down his arms. He was so offended at it, that instead of regarding the pope's pretensions, he swore, if he heard any more of them, he would destroy Scotland from sea to sea. The deputies of the Scots, who were present, could not hear these threats without emotion: they told him, he had still a great deal to do before matters could be brought to that pass, and there was not a Scotchman but what would spill the last drop of his blood in the defence of his country. But notwithstanding his resolution not to leave Scotland before it was entirely reduced, he durst not refuse the king of France a truce which he demanded in behalf of the Scots.

Grants a truce. Act. Publ. tom. ii. p. [illegible].

Edward creates his son prince of Wales. M. Westm. Walsing.

It was during this truce that Edward invested his eldest son, now seventeen years old, with the principality of Wales and the earldom of Chester. The Welsh rejoiced at it, and considered it as a mark of the king's favour, because the young prince was born in their country.

1301.

In the beginning of the next year the king summoned a parliament at Lincoln [q], to consult with them concerning the

[q] January [illegible]. In this parliament the [illegible] and [illegible] complained of grievances, and petitioned the confirmation of the two charters, which [illegible] good of choice the king complied with. M. Westm. p. [illegible]. The laity granted the king [illegible]. Ibid.

pope's

pope's pretenſions to Scotland, and about an anſwer to his brief. The parliament being no leſs exaſperated at the pope's pretenſions and haughtineſs than the king himſelf, it was reſolved that a letter ſhould be ſent to the pope, ſigned by all the barons of the realm. In the letter they plainly tell him the direct contrary to what he aſſerted in his brief, namely, that the crown of England had immemorially enjoyed the right of ſovereignty over Scotland, and it was notorious that Scotland, as to temporals, never belonged to the church of Rome: that therefore the parliament would never ſuffer the king's prerogative to be called in queſtion, or ambaſſadors to be ſent to Rome upon that account, though the king himſelf ſhould be willing to be ſo condeſcending to the holy ſee. Finally, they deſired the pope to leave the king and people of England in the enjoyment of their rights without giving them any diſturbance[r]. This letter was followed, ſome months after, by another from the king himſelf, with a memorial, like that at Norham, to juſtify that the kingdom of Scotland had been always dependent on the crown of England. But whereas in the firſt he carries his claim no higher than Edward the Elder, in this he derives it from Brutus, firſt fabulous king of the Iſle of Albion, tracing it through all the reigns of the fictitious kings mentioned in the hiſtory or rather the romance of Geoffrey of Monmouth, which he did not venture to do in the memorial drawn up for the Scots: but every thing was valid to the pope and Italians, who were not ſufficiently verſed in the Engliſh hiſtory to diſcern truth from falſhood. Beſides, the king's letter was very reſpectful, and contained no expreſſions offenſive to his holineſs. This moderation on ſuch an occaſion, when he was highly provoked at the pope's pretenſions, muſt be aſcribed to the need he had of him in the affair concerning the reſtitution of Guienne.

Anſwer to the pope's bull.

Act. Publ. tom. ii. p. 873. M. Weſtm.

The king ſends a letter alſo. Ib. p. 883.

The truce with Scotland was no ſooner expired, but Edward returned, and ſpent the whole winter in that kingdom. But when he was preparing to renew the war, he was ſo ſtrongly ſollicited by the king of France, that he could not refuſe the Scots the prolonging of the truce till November. One might wonder he ſhould have ſo much complaiſance for Philip, if it was true, as ſome affirm, that he had made a

Edward returns into Scotland, and prolongs the truce. Act. Publ. tom. ii. p. 892. M. Weſtm.

[r] This remonſtrance is ſubſcribed by a hundred and ſixty-one, who declare farther, that they had authority to repreſent the whole community of the kingdom. Dr. Howel has given the names of them, and calls it a Liſt of thoſe worthy Patriots who withſtood Papal Uſurpation. The Lat. and names of them are in Hyme's Fœd. tom. ii. p. 873, 874.

peace with France at Montreuil and taken poſſeſſion of Guienne. But it is certain, the peace between the two crowns was not fully concluded till 1303, and the treaty of Montreuil was properly only the pope's arbitration, containing ſeveral articles, the performance whereof might meet with great difficulties, though in general the two kings were ſatisfied with it. This makes Edward's deference for Philip not ſo ſtrange, ſince by a refuſal he might have retarded the concluſion of a peace by which Guienne was to be reſtored.

1302. He ſends Segrave into Scotland.

The truce with Scotland being about to expire, Edward ſent Segrave [s] into that kingdom to renew the war. The general marched thither not ſo much with deſign to fight the Scots, whom he thought unable to reſiſt him, as to deſtroy the country: to that end he divided his army into three bodies, which marched at ſome diſtance from one another, in order to incloſe the more ground. His notion that there was no danger, cauſing him to march in a careleſs manner, and without vouchſafing to inform himſelf of the poſture of his enemies, he unexpectedly met with them near Roſlin five miles from Edinburgh: as he was too far advanced with the body he commanded, to receive any aſſiſtance from the others, the Scotch army, under Comyn and Frazer, attacked him without loſs of time, and immediately put him to rout. The neareſt of the two other bodies hearing the general was attacked, haſted to his relief, but not being able to come time enough, were likewiſe defeated. Though the Scots were victorious in theſe two engagements, it was not without difficulty and loſs. Their wounded being many, and their troops much harraſſed, they were willing to take ſome reſt, when they ſaw the third body of the Engliſh advancing to attack them: the ſight put them into ſuch diſorder, that they would forthwith have taken to flight, if the exhortations of their generals had not revived their courage. This laſt battle was the ſharpeſt of the three [t]: the Engliſh, animated with a deſire of revenging their countrymen, and the Scots encouraged by their two victories, fought a good while with equal animoſity, but the Scots had the advantage at laſt and routed their enemies. The Engliſh hiſtorians ſlightly paſs over theſe three battles, and the Scots on the contrary take care to extol this triple victory [u]. Perhaps the one ſay too much, and the others

Three victories gained by the Scots in one day. Buchanan.

[s] John de Segrave; about the beginning of November, conſtituted governor of Berwick, and guardian of the kingdom of Scotland. Walſing.

[t] Theſe three battles were fought on February 24, 1302. Buchanan.

[u] The Scotch hiſtorians aſcribe all the glory to Comyn and Frazer, without

others too little: be this as it will, it cannot be denied that this check appeared of moment to Edward, since it made him resolve to enter Scotland once more with a greater army than ever. It was not in his power however to execute his design till the next year, because he could not help including the Scots in a truce made with France till June. Edward is prevented entering Scotland by a truce. Act. Publ. tom. ii. p. 913.

Before the truce was expired, the peace between the two crowns was concluded at Paris, on the 20th of May, 1303 [w]. Philip restored Guienne to Edward, who promised to do him full homage, and without limitation, in the city of Amiens. As for the allies of the two kings, there was no mention of them in the treaty: on the contrary, each monarch obliged himself by oath not to assist the others enemies. Thus the Scots and the earl of Flanders were equally abandoned. This is one of the many remarkable instances, how little petty princes can rely upon their alliances with more powerful sovereigns: though the first article always runs, that neither peace nor truce shall be made without the consent of all parties, it is usually this that is first violated. Indeed Philip persuaded the Scots that he would procure them a separate peace at a future interview with Edward, but nothing was farther from his thoughts; for he had left the Scots to the mercy of the king of England only to prevail with him to abandon the Flemings, who, having taken up arms against him, had now gained great advantages. Baliol, from whom this treaty had taken all hopes of being ever restored, lived upon his estate in Normandy, and spent the residue of his days as a private person [x]. 1303. Treaty of peace between France and England. Act. Publ. tom. ii. p. 923. M. Westm. Act. Publ. tom. ii. p. 929. M. Westm.

The unexpected contests between pope Boniface and Philip the Fair had long delayed the conclusion of the peace. The pope, who had projected to turn the arms of the Christians against the infidels, pretended arbitrarily to command all the princes of Europe to end their differences according to his caprice, and prepare to send or lead in person their forces to the Holy Land. The haughtiness wherewith he would have treated the king of France, occasioned such disputes between The peace was made without the pope. Walsing. Knighton.

out mentioning Wallace. See Buchanan. Whereas the English attribute all to the brave Wallace. M. West. Walsing.

w The commissioners or plenipotentiaries appointed by king Edward to conclude this peace, were Amadeus earl of Savoy, Henry de Lacy earl of Lincoln, and Otto de Grandison, as appears by the king's commission to them, dated at Odiham, January 10. See Rymer's Fœdera, tom. ii. p. 925.

x He was delivered by the constable of Dover castle to Reginald bishop of Vicenza, the pope's nuncio at Witsant, in 1299. as appears by the king's warrant to him, dated at Canterbury, July 14. in Rymer's Fœd. tom. ii. p. 840. King Edward, in 1306, granted his land and estate in England to John de Bretagne, his nephew. Rymer's Fœd. tom. ii. p. 1023.

them as grew at length to an open rupture. For this cause Philip, looking upon the pope as his enemy, rejected his arbitration, and concluded a peace with Edward, without the intervention of him whom they had chosen for umpire [y].

Edward's fourth expedition into Scotland. Buchanan. Walsing.

Edward having nothing more to fear from France, carried his arms a fourth time into Scotland, with so numerous an army, that he met with no resistance. He penetrated even to the utmost bounds of the island, ravaging the country on all sides, the Scots being unable to oppose so formidable a power. Wallace alone kept close to him with some troops, in order to harrass him, and revenge the Scots upon the English soldiers that ventured to stir from the army. How great soever Edward's advantages were, he was not so severe to those who voluntarily submitted as he was in his former expedition. He had found, that by driving them to despair, he had himself induced them to revolt. For this reason he treated favourably such as surrendered, and permitted them to redeem their lands, which he had before refused. This gentleness produced so good an effect, that all the great men of the kingdom, seeing no other remedy, were willing to embrace it [z]. Before he quitted the kingdom, Edward ordered Stirling castle to be assaulted, which held out the whole winter. The vigorous defence of the besieged obliged the king to be there in person as soon as the weather permitted, and yet it was July before he brought them to capitulate. Buchanan says, that, contrary to the articles of the capitulation, he committed to prison the governor and officers of the garrison.

Knighton. He grants some favours to the Scots. Act. Publ. tom. ii. p. 9[illegible]. Walsing. M. Westm. Ryley's Placita [illegible] castle besieged. 1304. He takes it. Walsing.

The taking of Sterling finished Edward's fourth expedition and third conquest [a]. But though Scotland may justly be said to be conquered on this occasion, there were still in the country certain impenetrable places, which afforded a retreat and sanctuary to those who could not live in slavery, and who greatly promoted the restoration of the whole kingdom to its

y This year the said pope died, on October 12, after he had been accused by the king of France of heresy, simony, and murder, imprisoned, and plundered of all his goods. Walsing. p. 87. This year also the king's exchequer at Westminster was broke open, and robbed of about one hundred thousand pounds; for which several of the monks of Westminster abbey were imprisoned. See Rymer's Fœd. tom. ii. p. 950, 958.

z The terms were, that their lives, limbs, and members should be saved: and they were to be free from imprisonment, and not to be disinherited; nor pay any thing except for their ransom and fine, and the amends for their faults only committed against the king, etc. See the terms at length in Brady, p. 78, etc.

a After which he returned to England, leaving Scotland under the care of John de Segrave; and when he came to York, removed the courts of King's bench and exchequer, which had been there seven years, to their old place in London. Walsing.

ancient

ancient liberty. This is what Edward himſelf, in the midſt of his ſucceſſes, could not forbear dreading. The rigour where- Tragical end of Wallace. with he treated the brave Wallace, who was baſely betrayed into his hands [b], is a clear evidence he did not think the Scots ſubdued, though he was maſter of Scotland. To deter them by the puniſhment of this great man, whom he looked upon as the ſole author of their revolt, he cauſed him to be tried, condemned, and executed as guilty of high treaſon [c], and ordered his four quarters to be hung up in four of the principal towns in the kingdom [d]. The ſentence was pronounced by Engliſh judges, though Wallace was a Scotchman, and had never owned the juriſdiction of Edward. To excuſe in ſome meaſure ſo extraordinary a ſeverity, there are hiſtorians who endeavour to defame Wallace, and charge him with exceſſive cruelties: but neither theſe accuſations, nor the manner of his death could hinder poſterity from doing him the juſtice he deſerved, and unprejudiced people from ſtill deeming him a hero worthy of a better fate. Buchanan. M. Weſtm. Walſing.

Edward having nothing more to do in Scotland, returned into England, where he applied himſelf to cauſe his authority to be reſpected, for which ſome among the barons ſhewed but little regard. Segrave [e] was the firſt attacked on this account, to ſerve for example to the reſt. Being accuſed of ſome miſdemeanor, he, in defence of his innocence, challenged his accuſer to a duel, according to the cuſtom of thoſe days [f]. But the king not thinking fit to conſent to it, Segrave croſſed the ſea, in order to fight out of the kingdom. Though his diſobedience was ſoftened by his regard for the king in forbearing to fight in his territories, Edward conſidered it as being of too great conſequence to be left unpuniſhed. As ſoon as Segrave came back he was taken into cuſtody and brought to his trial. The judges were at a loſs to paſs ſentence upon an affair, concerning which there was no law to direct them. However, after three days conſideration, they declared him worthy of death, adding in their ſentence, that it ſhould be in the king's power to pardon him. Edward was extremely offended at the boldneſs of the judges, who ſeemed to ſet bounds to his prerogative, as if he could not exerciſe his clemency without their permiſſion, and gave them a ſevere reprimand. Nevertheleſs he pardoned Segrave, upon the in- 1305. Edward's ſeverity towards Segrave. M. Weſtm.

[b] About Auguſt 15, by ſir John Monteith, his pretended friend, who was bribed by the Engliſh. Buchanan. M. Weſtm.

[c] He was dragged at a horſe's tail, Auguſt 23, and his head ſet up on London bridge. M. Weſtm.

[d] Of Scotland. Ibid. Walſing. p. 90.

[e] Sir Nicholas de Segrave. M. Weſt.

[f] He was charged with treaſon by ſir John de Crombwell. M. Weſtm.

terceſſion

terceſſion of certain lords, who offered to become ſureties for his good behaviour [g].

Commiſſion of Trail-bâton. Acts Publ. tom. ii. p. 960. M. Weſtm. Walſing.

But this was not the only inſtance of Edward's ſeverity after his return. He was informed that juſtice was adminiſtered throughout the whole kingdom with great negligence and partiality; that the magiſtrates ſuffered themſelves to be bribed with preſents, and the rich were ſcreened from the rigour of the laws, whilſt the poor were expoſed to the tyranny and oppreſſion of the great. So great a diſorder calling for a ſpeedy and effectual redreſs, he gave an extraordinary commiſſion to judges, nominated by himſelf, to go into all the counties, and ſtrictly enquire concerning all offenders, of what rank ſoever they might be, and impowered them to execute their ſentence upon the ſpot. This commiſſion was called Trail-bâton [h], a word whoſe derivation is unknown, concerning which there are ſeveral conjectures, too long to be inſerted: it ſuffices to ſay, in order to give a notion of this extraordinary judicature, it was much the ſame with what is ſtyled in France, Grands Jours. This ſeverity was a check to thoſe that thought to ſcreen themſelves from juſtice by their credit and riches, and ſerved at the ſame time to fill the king's coffers with the mulcts and fines of the guilty [i].

To

[g] Thirty of his peers, girt with ſwords, offering to be bound body and goods, that he ſhould be forth-coming whenſoever the king ſhould require, he was ſet at liberty, and reſtored to his poſſeſſions, ſays Matthew of Weſtminſter, who calls him "Unus de præſtantioribus militibus de regno."

[h] This old French word ſignifies to draw a Staff. As for the reaſon why this commiſſion was ſo called, it ſeems to be altogether unknown. Mr. Tyrrell gives this account of it from the Eveſham Chronicle. That Chronicle derives it from a certain inſtrument anciently belonging to ſhoemakers; wherewith they uſed to beat their apprentices, called a Trayle-baſton. The king, in his return from Scotland, was told this ſtory concerning thoſe who then made it a trade to take money to beat other men. A certain wicked perſon having hired ſome of thoſe ruffians to beat another man, whom he durſt not meddle with himſelf, they cudgelled him very ſeverely: but he happening to know one of them, found out who it was that had hired them; whereupon deſiring them to ſpare him, he promiſed them, if they would give as many blows to him that had ſet them on work, he would reward them doubly; which they agreed to: accordingly, in their return, they met with the man that firſt employed them, who aſking them whether they had done as he had ordered them, they anſwered, Yes; and that they were to receive as much [illegible] for the like buſineſs: ſo one of them, being a ſhoemaker, crying out, Trayle-baſton! they all fell upon him and cudgeled him twice as much as they did the other. At which ſtory the king at firſt ſmiling, was reſolved to ſecure his people for the future from ſuch malefactors, and therefore iſſued out the foreſaid commiſſion. Tyrrell, p. 160. The commiſſion itſelf is in Rymer's Fœd. tom. ii. p 960. and dated at Weſtminſter the 6th day of April.

[i] Theſe juſtices were in a manner the ſame with the juſtices in eyr[illegible] Their office was to make inquiſitio[illegible] through the realm, by the verdict [illegible] ſubſtantial juries, upon mayors, ſheriffs, bailiffs, eſcheators, and o[illegible]s, concerning extortion, bribery, and ſuch grievances,

To theſe two inſtances of ſeverity he added a third, very proper to ſhew his intention that the laws ſhould be obſerved without regard to dignity or birth. Prince Edward his ſon being perſuaded by Piers Gaveſton, one of his favourites, to commit ſome outrage againſt the biſhop of Cheſter [k], he ordered him to be publicly impriſoned, not ſuffering his rank to exempt him from juſtice. Prince of Wales publicly impriſoned. Fabian's Chron.

This proceeding would doubtleſs have been more agreeable to the Engliſh, if what he did ſhortly after had expreſſed the ſame moderation and the ſame regard for the people. Clement V. native of Bourdeaux, ſucceeding Boniface VIII. Edward thought he ſhould improve his intereſt with the new pope, to obtain a diſpenſation from the oath he had taken with regard to the two charters of liberties. The pope made no ſcruple to grant him that favour. He ſuppoſed, as it appears in his bull, that the king was forced to take that oath, and that ſuppoſition, falſe as it was, ſeemed to him a ſufficient reaſon to abſolve him from the ſame. It is pretended Edward purchaſed this diſpenſation by a preſent of gold plate to the pope. The alarm cauſed by this ſtep in the kingdom was not groundleſs, ſince it ſoon began to be perceived that the king aſſumed a greater authority than was allowed by the laws and cuſtoms of the realm. He even affected to diſcover his intention, on an occaſion where it could not be miſtaken. Clement V. granted him a tenth upon the clergy for three years, reſerving one half to himſelf for the occaſions of the holy ſee [l]. The parliament not being able to bear this ſhameful trade, which tended to impoveriſh the clergy without any neceſſity, and to drain the kingdom of money, ſtrenuouſly Clement V. abſolves the king from his oath to the charters. Act. Publ. tom. ii. p. 978. M. Weſtm. Edward acts arbitrarily.

grievances, as intruſions into other mens lands, barretors, and breakers of the peace, etc. For the etymology of the word Trayle-baton, ſee Spelman's Gloſſary.

[k] There was no biſhop of Cheſter till 1540, when that ſee was erected by king Henry VIII. The perſon here meant was Walter de Langton biſhop of Litchfield and Coventry. M. Weſtm. For Petrus, one of the biſhops of this ſee, removing it to Cheſter in 1075, it hence came to paſs that his ſucceſſors were many times called biſhops of Cheſter. The outrage committed by the prince againſt the biſhop was, that he, together with Gaveſton and other ill companions, had broke down the fences of the biſhop's park and killed his Fabian.

[l] The pope granted the king a tenth out of all the eccleſiaſtical benefices in England, for two years, towards the relief of the Holy Land, though it was diverted by the king for his own private occaſions. The pope alſo reſerved to himſelf the firſt fruits of all the benefices, which continued down to the reign of Henry VIII. who firſt annexed them to the crown. But (ſays Mat. Weſtminſter) the pope was induced to this through the covetouſneſs of the biſhops, who ſubmitted to this innovation, on condition they might enjoy one year's profits of all vacant benefices in their gift. M. Weſtm. Tyrrel. See Rymer's Fœd. tom. ii. p. 1006, 1039, 1042, 1051.

oppoſed

oppoſed it, and forbid the collectors to levy the tenth. Edward, regardleſs of the parliament, removed the prohibition by his own authority, and permitted the collectors to proceed. This arbitrary act immediately after the diſpenſation, made the Engliſh apprehenſive the king had formed a deſign upon their liberties; and their apprehenſions appeared but too well grounded. But if Edward had any ſuch intent, the troubles which ſuddenly broke out afreſh in Scotland prevented the execution, and rendered the pope's favour ineffectual.

1306. Affairs of Scotland. Major. Buchanan.

The Scots, though ſo often vanquiſhed and as often conſtrained to ſwear fealty to Edward, could not innure themſelves to his yoke. Robert Bruce, earl of Carric, was one of thoſe that thought they had moſt reaſon to complain: not only his father was excluded from the crown, but moreover Edward had now broke his word with him. He promiſed to place him on the throne in the room of Baliol, but made not the leaſt ſtep towards the performance of his promiſe. Nevertheleſs Robert all along ſerved him faithfully, both before and after his father's death, flattering himſelf perhaps that he would one day accompliſh his promiſe. But his diſcourſe with Wallace, on the day of the battle of Falkirk, and the king's whole behaviour, convincing him that Edward had only his own ends in view, he entertained the generous deſign of exerting his endeavours to free his country from ſervitude. At the ſame time he thought of procuring the crown of Scotland for himſelf, to which he pretended to have a lawful title, notwithſtanding the ſentence againſt the earl his father. John Comyn, ſirnamed the Red, another Scotch lord of great diſtinction in Scotland, but however of leſs credit than Bruce, was, or ſeemed to be, in the ſame ſentiments, and to have the intereſt of his country at heart. This conformity cauſed theſe two lords to communicate their thoughts to each other, after long ſounding one another, without daring to ſpeak their minds. At length both growing bolder, they had ſeveral conferences together, wherein they agreed upon means to accompliſh their projects. Theſe conferences ended in an agreement containing theſe two articles: I. That they ſhould act in common to promote Robert Bruce to the crown of Scotland. II. That in conſideration of Comyn's ſervices, Bruce ſhould make over to him all his private patrimony, and appoint him his lieutenant general. Theſe meaſures being taken, Robert came to Edward's court, where it was neceſſary to gain certain Scotch lords who were in the intereſts of that prince.

Bruce and Comyn contrive to free their country. M. Weſtm.

Mean

Mean time, whether Comyn repented of what he had done, or, as ſome affirm, had contrived this plot on purpoſe to enſnare Robert, he diſcovered the whole project to the king: it is ſaid he even ſent him the original agreement under both their hands and ſeals. The king immediately deſigned to apprehend Robert, but fearing to miſs of his acomplices, was contented with narrowly watching him. He hoped to make ſome freſh diſcoveries by means of Comyn, to whom Robert communicated by letters whatever he did at court. The king's deſign could not be ſo ſecret but it was perceived by the earl of Gomer [m], an old friend of the famil of Bruce, then at London. This earl knowing Robert was narrowly watched, and not daring by word of mouth to diſcover ſo important a ſecret, ſent him a pair of ſpurs with ſome pieces of gold, as if he had borrowed them of him. Robert, who was endowed with great penetration, preſently found there was ſome myſtery in this pretended reſtitution of his friend, and concluded he meant by it to adviſe him to make his eſcape. In this belief he immediately came to a reſolution, and executed it with ſuch addreſs and diligence, that it was impoſſible to prevent him, and much more to overtake him. As he had communicated his thoughts only to Comyn, he did not doubt but he was betrayed by that treacherous friend. Accordingly, as ſoon as he came into Scotland, he repaired to Dumfries, where Comyn then was, and meeting him in the church of the Cordeliers, ſtabbed him with his own hand [n]. This bold ſtroke, added to the plot he had laid, expoſing him to the king's reſentment, he ſaw the neceſſity of openly declaring himſelf, well knowing there was no ſafety for him but in the ſucceſs of his deſigns. Whereupon ſuch numbers flocked to him, that he was quickly in condition to go well attended to Scone, where he was ſolemnly crowned. After which all the people in general ſided with him.

1309. Comyn betrays Bruce. Buchanan. Hec. Boeth. Walſing.

Buchanan.

Bruce eſcapes to Scotland, and kills Comyn.

He is crowned king of Scotland.

It was with extreme vexation that Edward perceived he was miſtaken, in imagining he had nothing more to do in Scotland. He would not however give over his firſt deſign: but to ſecure for the future the poſſeſſion of that kingdom,

Edward ſends an army into Scotland. Act. Publ. tom. v. p. 988.

[m] Buchanan calls him Comitem Gomeræ, though (ſays Tyrrel) there was no ſuch earl then in England. Tyrrel, vol. iv. p. 168.

[n] January 29, M. Weſtm. Buchanan ſays, as ſoon as he came into Scotland, he accidentally met a meſſenger with letters from Comyn to the king of England, which he ſeized, and in them found how he had adviſed him to put Bruce to death. Whereupon he rode to Dumfries, and ſhewing Comyn the letter, accuſed him of treachery; but the other denying it, Bruce was ſo exaſperated that he ſtabbed him in the belly. lib. viii.

he

M. Weſtm. Walſing. Knighton.

he reſolved to reduce it to ſuch a ſtate that there ſhould be no more danger of a revolt. Purſuant to this reſolution he ſent Audemar of Valence earl of Pembroke with an army to prepare the way, whilſt he aſſembled all his forces at Carliſle. To render his expedition the more ſignal, he knighted three hundred young gentlemen, who attended the prince his ſon, whom he was willing, on this occaſion, to initiate in the art of war[o].

Bruce is defeated, and forced to abſcond. Buchanan. M. Weſtm. Walſing.

Mean time, Robert made great progreſs in Scotland, and took ſeveral places: he would have carried his conqueſts farther, if the earl of Pembroke had not ſtopped his career. The earl entering Scotland, marched directly to Robert, who not thinking proper to retreat on this firſt occaſion, went to meet him. The two armies engaging, Robert's was put to the rout. But as his loſs was not great, he was willing to venture a ſecond battle, where he had no better ſucceſs. Theſe two defeats obliging him to quit the country, he withdrew to one of the Hebrides, where he lay concealed at a relation's houſe, in expectation of a more favourable juncture. Shortly after, Edward entering the kingdom with a numerous army, found the Scots in conſternation and their troops diſperſed. So having no enemies to encounter, he ſent out detachments on all ſides to ſeize Bruce's adherents. Great numbers were taken, who all felt that prince's ſeverity[p]. Three brothers of the new king loſt their heads on the ſcaffold. His queen herſelf being ſent into England, was kept in cloſe confinement. Edward's age and vexation to ſee himſelf ſo often obliged to begin afreſh, rendered him ſo inexorable, that he hardly pardoned any one perſon. The biſhops of Glaſgow and St. Andrew's, who were taken with their coats of mail over their habits, would have fallen a ſacrifice to his vengeance, had not his fear of diſobliging the pope ſaved their lives. They were however ſent into England, and thrown into

Edward arrives in Scotland, and ſeverely puniſhes the revolters. Buchanan. M. Weſtm. Walſing.

Act. Publ. tom. ii. p. 1016, 1025. M. Weſtm.

[o] All ſuch as were to be made knights, either by paternal ſucceſſion, or for their eſtates. M. Weſtm. Upon this occaſion of the prince's receiving the order of knighthood, the clergy and laity granted the king a thirtieth, and the merchants a twentieth. See Rymer's Fœd. tom. ii. p. 986, 987, 988. The king his father at the ſame time gave him the dukedom of Guienne.

[p] The following perſons were committed to ſeveral priſons in England: Alan earl of Monteth, the earl of Marr's ſon and heir to Briſtol caſtle Patrick de Graham, Walter de Ruſſhi and Richard de Neutrobre to the Towe of London; Hugh Lovel and Willia de Murray de Sandford to Windſc caſtle; Walter de Murry to Corf caſtle the earl of Strathern to Rocheſt caſtle; Thomas Randolf to Linco caſtle, etc. Robert Bruce's wife to Bi ſtewick. And all the lands and effa of moſt of the other revolters w confiſcated.

priſo

priſon [p]. The earl of Athol, allied to Edward, and the royal family of Scotland, was diſtinguiſhed from the reſt, only by the heighth of the gallows on which he was hanged. The counteſs of Buquhan, who had aſſiſted at Robert's coronation [q], was put into a wooden cage, and placed as a ridiculous ſight to the people on the walls of Berwick caſtle. Mary her ſiſter underwent the ſame fate at Roxborough. Act. Pub. II. p. 1014. M. Weſt. Walſing.

After Edward had thus taken vengeance on Robert's adherents, who were ſo unfortunate as to fall into his hands, he ſpent the winter at Carliſle, where he ſummoned the laſt parliament of his reign. The firſt buſineſs of this aſſembly, was about means to ſecure the poſſeſſion of Scotland, by uniting that kingdom to England. Edward was reſolved to keep the Scots in awe, and even to uſe, for that purpoſe, the moſt rigorous methods. But the face of affairs was much altered in that country, before any fixed reſolution was taken. 1037. Edward would unite Scotland to England. Parliament at Carliſle. M. Weſt. Walſing.

The parliament applied themſelves alſo with great diligence, to prevent the extortions of the court of Rome, which were ſtill continued with the ſame exceſs as before, notwithſtanding the meaſures taken to ſuppreſs them. Nay, ſtatutes were made, which might have eaſed this grievance, had they been well executed. Statutes againſt the court of Rome. M. Weſt. Walſing.

At this time it was, that the biſhop of Lichfield, high-treaſurer, cauſing the king to obſerve the aſcendant Piers Gaveſton, a debauch'd young man, had over the prince his ſon, and the pernicious conſequences that might ſpring from ſuch a familiarity, Edward reſolved to apply an immediate remedy. To that end, with the advice of the parliament ſtill aſſembled, Gaveſton was baniſhed the realm, as a corrupter of the young prince [r]. Moreover the king was pleaſed, that his ſon ſhould promiſe with an oath, never to recall him, and that Gaveſton ſhould ſwear likewiſe never more to ſet foot in England. Upon that condition he allowed him a penſion of a hundred marks, to be paid out of the revenues of Guienne [s]. Piers Gaveſton baniſhed the kingdom. Act. Pub. II. p. 1043. M. Weſt. Walſing.

Notwith-

[p] The former in the caſtle of Porcheſter in Hampſhire; and the latter in Wincheſter caſtle. It will perhaps not be unacceptable to the reader, to know what allowance the king made the latter. To the biſhop, for his own expences, ſix pence a day. For a ſervant, three pence. For a boy, three half pence. For a chaplain the ſame. See Rymer's Fœd. Tom. II. p. 1016.

[q] This counteſs was ſiſter to the earl of Fife, (then abſent in England) whoſe office it was to crown the kings of Scotland. For which reaſon ſhe, being of a brave and manlike ſpirit, ſtole from her huſband with all his horſe, and came and ſet the diadem upon Bruce's head at the abbey of Scone, on Palm-Sunday, March 25. Walſing. p. 91. He had been crowned before on February 2. M. Weſt.

[r] The ordinance for his baniſhment bears date February 26, at Lauretoſt, (or Lanercoſt) in Cumberland. Rymer's Fœd. Tom. II. p. 1043.

[s] This year the king ſettled upon his ſon

Bruce's great ſucceſs. Buchanan. Walſing.

Notwithſtanding Edward's reſolution to diſable Scotland from ever recovering, the time of that kingdom's deliverance was at hand. God, who was pleaſed to chaſtiſe the Scots, had not decreed the utter deſtruction of that nation, which was reduced to the laſt extremity. Edward leaving Scotland, Bruce ſallied out of his retreat, and effectually made uſe of the king's abſence, and the ſharpneſs of the winter, which hindered the Engliſh troops from acting. He aſſembled the remains of his diſperſed army, and reinforced them with freſh ſupplies, which the Scotch lords, exaſperated at Edward's ſeverity, brought him from all quarters. With theſe troops he attacked the earl of Pembroke, who commanded in Scotland, and obtained a ſignal victory, wherein the Engliſh general was made priſoner. Then he marched againſt the earl of Gloceſter, who was at the head of another body, and obliged him to retreat to the caſtle of Aire, which he beſieged, though without ſucceſs. As he was maſter of the field, and had none to oppoſe him, he eaſily took ſeveral places, and cauſed them to be diſmantled; as well not to be obliged to leave garriſons, as to prevent the Engliſh from fortifying them hereafter.

M. Weſt. Walſing.

He defeats Pembroke,

and takes ſeveral places. Buchanan.

Edward reſolves utterly to deſtroy Scotland. M. Weſt. Walſing.

Edward, ſurprized at this unexpected revolution, and implacably exaſperated againſt the Scots, reſolved to be ſignally revenged of that nation. To that end, he ſummoned all the vaſſals of the crown without exception, to meet him at Carliſle about the middle of the ſummer, on pain of forfeiting their fees. His intention was to march into the heart of Scotland, and deſtroy that kingdom from ſea to ſea, as he had often threatened. But God permitted him not to execute ſo barbarous a purpoſe. He was hardly arrived at Carliſle, where he had aſſembled the fineſt army England had ever ſeen, when he was ſeized by a diſtemper, which put an end to his days, and all his projects. As ſoon as he found himſelf ill, he knew he ſhould die; and whilſt his mind was ſound, he ſent for prince Edward his eldeſt ſon [t], and earneſtly recommended to him three things: the firſt was, vigorouſly to proſecute the war with Scotland, till he had entirely ſubdued the Scots. For that purpoſe, he adviſed him, to carry along with him his bones at the head of the army, not at all queſtioning but

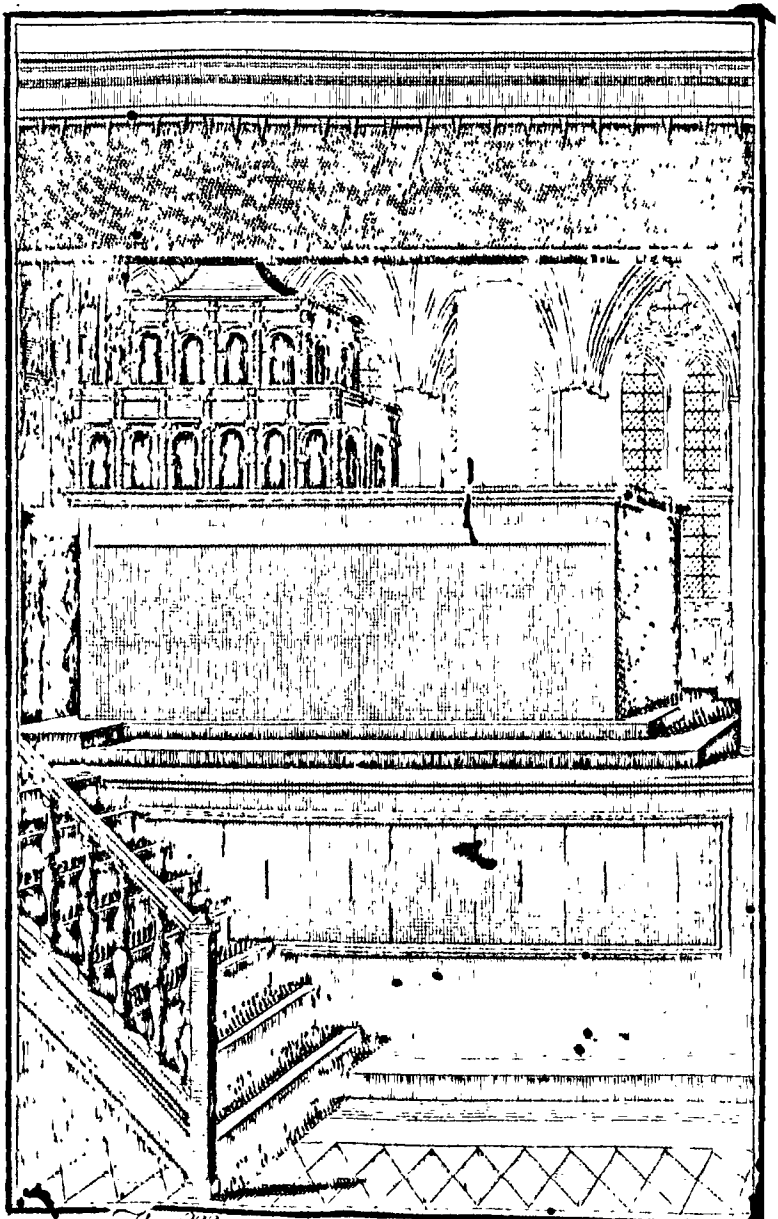
Is taken ill at Carliſle.

His laſt words to his ſon. Walſing.

M. Weſt.

ſon Thomas ten thouſand marks; and upon his ſon Edmund ſeven thouſand marks, in lands and rent. And to his daughter Eleanor, he gave for her portion ten thouſand marks, and five thouſand marks for cloaths, to be paid in ſeven years. Rymer's Fœd. Tom. II p. 1010.

[t] Whom he had ſent into England in order to go over and conſummate his marriage with Iſabella of France.



The Monument of K. EDWARD I. in Westminster Abbey.

that object would daunt the courage of the enemies he had ſo often vanquiſhed. The ſecond thing he recommended, was to ſend his heart to the Holy-Land, with thirty two thouſand pounds ſterling, which he had provided for the ſupport of the holy ſepulchre. The third was, never to recall Gaveſton. After theſe his laſt orders to his ſon, he cauſed himſelf to be carried by eaſy journeys into Scotland, being deſirous to die in a country he had thrice conquered. In this manner he advanced as far as the litttle town of Burgh [u], where his ſickneſs being increaſed by a dyſentery, he reſigned his laſt breath on the 7th of July, 1307, in the ſixty-eighth year of his age, having reigned thirty-four years, ſeven months, and twenty days. His corps was carried to Waltham, and from thence to Weſtminſter-Abbey, where it was done over with wax, and laid by Henry his father [w].

Died at Burgh. Act. Pub. II. p. 1059. M. Weſt. Walſing.

Thus lived and died Edward the firſt of that name ſince the Norman Conqueſt, and the fourth ſince Egbert. This prince had, doubtleſs, very noble qualities, and particularly great valour and prudence. He knew how to maſter his paſſions, and return to the right way when he had ſtrayed from it; a quality never to be ſufficiently commended in a ſovereign. When we compare him with his father, his grandfather and his own ſon his ſucceſſor, we find he far excelled them all. This compariſon, which one can hardly help making, has been ſo much to his advantage, that the Engliſh hiſtorians have uſed the ſtrongeſt expreſſions in his encomium, and would have him paſs for the greateſt prince of his age. A famous writer has not ſcrupled to ſay, "That God had "pitched his tabernacle in the breaſt of that monarch." But his whole conduct, with regard to Scotland, does not give of him ſo advantageous an idea. However, without examining too cloſely the expreſſions uſed by the hiſtorians in his praiſe, it may be ſaid, he was a great king, and that England received conſiderable advantages from his adminiſtration. The

His encomium and character.

Camden in Cumberland.

[u] Upon the Sands in Cumberland, to diſtinguiſh it from Burgh upon Stanemore in Weſtmoreland. The memory of Edward's death had been preſerved by ſome great ſtones rolled upon the place; but in 1685, there was erected a ſquare pillar nine yards and a half high. On the weſt ſide is this inſcription: "Memoriæ æternæ Edwardi I. "Regis Angliæ longe clariſſimi, qui in "bello apparatu contra Scotos occupa-"tus, hic in caſtris obiit 7 Julii A.D. "1307."

It was ſet up by John Aglionby, I. C. at the charge of Henry Howard duke of Norfolk, and made by Thomas Langhorne. Camden.

[w] And buried October 18. (M. Weſt. p. 458.) on the north ſide of the ſhrine of St. Edward. His ſepulchre is compoſed of five grey marbles, two on the ſides, two at the ends, and a fifth covers it, upon the north ſide whereof are pencilled theſe words: EDWARDVS PRIMVS SCOTORVM MALLEVS HIC EST. 1308. PACTVM SERVA.

kingdom, weakened by the ill management of the two preceding kings, was reſtored to its former ſplendor, by the abilities of this prince, who knew how to make himſelf beloved and reſpected by his ſubjects, as well as dreaded by his neighbours. The conqueſt of Wales, in vain attempted by his predeceſſors, added a great luſtre to his reign, and was very beneficial to his kingdom. That of Scotland would no doubt have gained him more honour, had it been entirely finiſhed, ſince the Scotch hiſtorians would have ſpoken of him in different terms from what they have done, if at the time of their writing they had been Engliſh.

He was very perſonable, and taller than the generality of men by the head. His hair was black, and curled naturally, and his eyes of the ſame colour, ſparkled with uncommon vivacity. He would have been perfectly well ſhaped, if his legs, which were a little too long, had been in proportion to the reſt of his body. Hence he had the ſirname of Long-Shanks. He joined to his bodily perfections a ſolid judgment, a great penetration, and a prudent conduct, which very rarely ſuffered him to make a falſe ſtep. Beſides this he had principles of juſtice, honour, and honeſty, which reſtrained him from countenancing vice, not only in his moſt intimate courtiers, but even in his own ſon. Moreover he was of an exemplary chaſtity, a virtue very ſeldom found in ſovereign princes. All theſe noble qualities bred in the hearts of his ſubjects, a love and eſteem, which did not a little contribute to the rendering his reign peaceable at home, whilſt his arms were employed abroad. As for the affair of Scotland, it may be ſaid to procure more honour than real advantages to England, ſince after torrents of blood ſpilt in that quarrel, the Engliſh were conſtrained in the end to relinquiſh their project.

Edward's iſſue by his firſt wife. Walſing. Sandford.

Edward had by Eleanor of Caſtile his firſt wife four ſons and nine daughters[x]. Edward II. his ſucceſſor was the only ſon

[x] Queen Eleanor died, as is related above, note, the 28th of November 1291, at Richard de Weſton's houſe at Hardeby. At the places where her body reſted, were erected to her memory goodly croſſes, namely, at Lincoln, Grantham, Stanford, Geddington, Northampton, Stony-Stratford, Dunſtable, St. Albans, Waltham, and Charing. Her bowels were buried in the cathedral at Lincoln, where the king erected a Cenotaph for her, on which is placed her figure of gilt copper, with an inſcription. Her body lies in Weſtminſter abbey, at the feet of Henry III. under a tomb of gray marble, having on the north ſide the arms of England and Leon and Ponthieu, with her figure as large as the life. It is obſervable, that queen Eleanor bore quarterly, Gules, a caſtle or: and argent, a lion rampant purple, which were the arms of Ferdinand III. king of Caſtile and Leon her father, and quartered by him, and were the firſt two coats that were born quarterly in

ſon that ſurvived him [y]. Eleanor his eldeſt daughter was contracted to Alphonſus king of Arragon; but that prince dying before conſummation, ſhe was given to Henry duke of Bar. Joanna, ſirnamed of Acres, the place of her nativity, was betrothed to Hartman, ſon of the emperor Rodolphus I, but the death of the young prince preventing their union, ſhe married Gilbert de Clare, earl of Gloceſter, and after his death, Ralph de Monthermer [z]. Margaret was wife of John, duke of Brabant: Elizabeth of John earl of Holland, and afterwards of Humphry Bohun earl of Hereford [a]. Berenguella, Alice, Blanche, and Beatrix, died young, or unmarried.

By his ſecond wife.

Edward had two ſons and one daughter by Margaret of France his ſecond wife, whom he married in the ſixtieth year of his age, though ſhe was but eighteen years old. Thomas [de Brotherton] [b] the eldeſt, was earl of Norfolk, and Marſhal of England. Edmund bore the title of earl of Kent [c]. Eleanor the daughter [d] was to have married Otho earl of Burgundy, but ſhe died in her childhood.

Series of parliaments ſince his reign. Stat. de Tallagio non conce.

We have an uninterrupted ſeries of all the parliaments held in England, from the 22d year of this reign [e]. The conſtitution of theſe aſſemblies, ſuch as it is at this day, was ſo well ſettled in this reign, that there was an additional law made to the great charter, whereby it was enacted, that no

one ſhield, which our king Edward III. next imitated, when he quartered France and England. Theſe arms, with thoſe of Ponthieu, viz. Or, three Bentlets Azure, within a Border, Gules, are carved in ſtone in ſeveral places on the croſs erected to her memory near Northampton. Sandford's Geneal. p. 229.

[y] John, Henry, and Alphonſus, died young.

[z] He was a ſervant of her firſt huſband. The marriage being done, (in 1296,) without the knowledge of her father, this Ralph was committed to priſon, and all thoſe lands and caſtles formerly made over to the earl Gilbert, and counteſs Joanna, ſeized into the king's hands. But by the mediation of Anthony Bec biſhop of Durham, peace was made betwixt the king and his daughter, and her new huſband, and his lands reſtored. Not long after Ralph was ſummoned to parliament by the title of earl of Gloceſter and Hereford, which he enjoyed till his ſon-in-law, Gilbert de Clare, came of age. Afterwards in all parliaments he was ſummoned as lord Monthermer. By the ſaid Joanna he had two ſons, Thomas and Edward. Sir Thomas de Monthermer had an only daughter Margaret, wife of John Montague, by whom ſhe had John Montague earl of Saliſbury, from whom the preſent duke of Montague, the earls of Mancheſter and Sandwich, and the baron of Halifax derive their original. Sandford's Geneal. p. 142.

[a] Mary was a nun at Ambreſbury. See Rymer's Fœd. Tom. II. in ſeveral places.

[b] A ſmall village in Yorkſhire, where he was born June 1. 1300. Sandford.

[c] He was born at Woodſtock, Auguſt 5. 1301. M. Weſt.

[d] Born at Winchester, May 6. 1306. Id. p. 454.

[e] See Notitia Parliamentaria by Brown Willis Eſq; and Mr. Prynn's Brevia Parliamentaria.

tax ſhould be levied upon the people without the conſent of the commons.

The title of baron limited.

It may be further obſerved, that in this reign the title of Baron, which was common to all that held lands of the crown, was confined to thoſe whom the king ſummoned to parliament.

THE reader is to obſerve, that the hiſtory of the royal revenue in the foregoing coin-notes, is all matter of fact, taken from the Revenue Rolls and other records, and confirmed by numberleſs inſtances by Mr. Madox, in his Hiſtory of the Exchequer. Theſe rolls (which are kept in the Pipe-Office, and called the Great Rolls) of all the records in the exchequer, juſtly challenge the pre-eminence, not being inferior even to Domes-day itſelf. From the very firſt eſtabliſhment of the exchequer, it was uſual every year to make a Great Roll, containing an exact account of all the foregoing branches of the royal revenue, as ariſing in each county. The Great Rolls of moſt of the years of Henry II. Richard I. and John, are in being, and, as appears by Madox, might be of admirable uſe to the Engliſh hiſtorian and antiquary. The moſt antient of theſe records is the Great Roll, (commonly ſaid to be) of the fifth year of king Stephen. A famous monument of antiquity, (ſays Madox) whether we conſider the hand-writing, or the contents. This Great Roll (or rather bundle) conſiſts of ſixteen large rolls, writ on both ſides, of about four foot long, (one with another, for they are not of an equal length) and a foot broad. This Great Roll, Mr. Madox proves to belong to ſome year of Henry I. Pryn ſays expreſly the eighteenth. In order to ſee the nature of theſe rolls in general, I ſhall add here a few inſtances, relating to the ſeveral branches of the royal revenue. N. B. r. c. ſignifies "reddit "compotum" (i. e. accounts for.) "W. de Mandevill comes Eſſexæ "debet C l. pro relevio ſuo." M. Rot. 2 Hen. III. Rot. 7. "Petrus de Brus r. c. de c. l. pro relevio ſuo de baronia quæ fuit "patris ſui. In th. l. et. q. c." (that is, in theſauro liberavit et quietus eſt) Mag. Rot. 6. Hen. III. Rot. 11. "Odo de dammartin "r. c. de D marcis pro habenda cuſtodia filii et terræ Hugonis Pin-"cernæ: In theſauro c c marcas et debet c c c marcas." Mag. Rot. 28 Hen. II. "Ricardus Baſſet et Albericus de Ver. r. c. de Firmo "de Sudreia, et de Grentebrugeſira et de Huntedoneſcira: in "theſauro cccc & xiiii l. & xii d. ad penſum." M. Rot. 5. Steph. Rot. 4. "Hamo de Sancto Claro r. c. de Firma Civitas Cole-"ſtræ. In theſauro xxxviii l. & xiv s. & xi d. et debet "xxiii s. and x d. Bl." M. Rot. 5 Steph. Rot. 14. "Burgenſes "de Carlio r. c. x Marcis pro libertatibus ſuis habendis." M. Rot. 5 Rich. I. Rot. 5. "Felicia de Winterburn debet tertiam partem de "perquiſito de xv Marcis pro juſticiando Willielmo de Winterburn "quod reddat ei xv marcas." M. Rot. 10 Joh. Rot. "Walterus "de Cancio r. c. de xv l. ut ducat ad velle ſuum." M. Rot. 5 Steph. Rot. 3, "Lucia Comitiſſa Ceſtriæ debet D. marcas, ne ca-

"piat

" piat virum infra v annos." Ibid. Rot. 12. "Uxor Hugonis de " Nevill dat domino regi ducentas gallinas, eoquod poſſit jacere " una nocte cum domino ſuo Hugone de Nevill." Rot. Fin. 6. Joh. M. 8. d. " Adam de Tindal debet x marcas pro habenda " ſeiſina Boſi de Langel, qui appellatur wiveteleia cum pertinentiis." Mag. Rot. 10 J. Rot. 7. Northumb. " Yvo vir emmæ debet lx s. " quia retraxit ſe de Duello ſuo die quo debuit pugnare." M. Rot. 31 Hen. II. Rot. 5.

I ſhall proceed now to ſhow the ſtate of the exchequer, from the end of the reign of king John, to the end of the reign of king Edward II. called by Mr. Madox the ſecond period; as from William the Conqueror, to king John's ſigning the Magna Charta, is, by him, called the firſt period. It may be obſerved, that at the beginning of this ſecond period, and for ſome time afterwards, the exchequer continued in much the ſame ſtate it was in during the firſt; bating the change made by the ſeparation of common pleas, from the king's court, and it, (mentioned in a note, p. 287.) It was as before, a great and ſolemn court, frequented by the king's great officers, and guided for the moſt part by the antient rules, aſſizes and cuſtoms. But before the end of Henry III's reign, it fell in great meaſure from its antient grandeur, and from thenceforward, continued in a ſtate of declenſion; inſomuch that about the end of the ſecond period, it was in many reſpects different from what it had been in former ages. This will appear, by comparing the ſtate of the exchequer, during the firſt period, with the ſtate of it, during the latter part of the ſecond. In the king's exchequer there ſtill remained the diſtinction of the two notable terms of the year, called the Duo Saccaria, (ſee coin-note. Beſides the principal exchequer, there were ſeveral inferior receipts or treaſuries, that were called by that name. There were exchequers at Durham, Cheſter, Carliſle, Berwick, and Caernarvon, at which laſt, the king had his chamberlain, and treaſurer; and the writ of ſummonce was there uſed for levying the king's debts, ariſing in thoſe parts. The principal exchequer, when mentioned with any of theſe, was diſtinguiſhed by Saccarium de Londonia, Weſtmonaſterii, and with reference to the exchequer of the Jews, Magnum Saccarium. The principal times of ſeſſion were the two terms of Eaſter, and St. Michael. At which times the proceſs that iſſued pro rege was returnable, and many acts became neceſſary to be done there, in conſequence thereof. The exchequer was alſo holden during the other two law-terms of St. Hilary, and of the Trinity. But it ſeemeth, that the treaſurer and barons ſometimes ſat, if there was occaſion, at other times not comprized within the four terms, and ſometimes on Sundays. The day of the liberate was counted the time of their riſing. In the archive of Corpus Chriſti college in Cambridge, there is a manuſcript calendar for the uſe of the auditores compotorum, and others, reſiding at the exchequer. It is in a hand of about the time of Ed II. or III. Though the exchequer was generally held at Weſtminſter, during this ſecond period, yet it was ſometimes by the king's ſpecial command held elſe-

where. As in the firſt, ſo alſo in the ſecond period, the king, if he pleaſed, ſat and acted in perſon at the exchequer; king Henry III. did ſo frequently. From the moſt ancient times, the perſons employed at the king's exchequer, enjoyed ſeveral privileges. The records of the firſt period, relating to this ſubject, are not ſo clear and full as thoſe of the ſecond. Theſe records mention the privilege of impleading, and being impleaded in the exchequer only: freedom from toll, for things bought for their own uſe: freedom from ſuit to county-courts, hundred-courts, etc. and other privileges. It is alſo to be underſtood, that ſeveral of the reſidents at the exchequer had privileges for their clerks and men. There was alſo a ſort of privilege allowed to perſons, who were ſuitors or accomptants at the exchequer; namely, if they were to appear in any inferior court or place, upon a certain day, in caſe they were that day attending at the exchequer, they were not to be put in default below. The exchequer was a court greatly concerned in the converſation of the prerogatives, as well as the revenue of the crown. It was the care of the treaſurer, and barons, and the king's council at the exchequer, to ſee that the rights of the crown were not invaded by ſuch as claimed liberties or exemptions; and to allow, or diſallow, of ſuch liberties as reaſon and juſtice ſhould require. It is true, this had ſome relation to the regal revenue, inaſmuch as men were wont to be puniſhed by amercements, ſeizures, fines, for undue uſurpations of liberties, and were obliged or induced to fine for confirmation or improvement of their liberties, if they deſired the ſame. However, many affairs of this nature were wont to be examined and regulated at the exchequer, and therein great care was taken to preſerve the rights of the crown inviolate. Upon this ground, probably, it became the uſual method for charters of liberties to be read and inrolled at the exchequer. So that commonly, when the king granted or confirmed liberties by his letters patent, a cloſe writ directed to the treaſurer and barons, was wont to iſſue, reciting the ſubſtance of ſuch grant or confirmation, and commanding the barons to allow thereof. In a word, the authority and dignity of the court of exchequer was eſteemed ſo great, that the acts thereof were not to be examined or controlled in any other of the king's ordinary courts of juſtice. The exchequer was a great repoſitory of the king's records. Thither the records of the court holden before the king, of the court of common bench, and of the juſtices in eyre were brought, to be laid up in the treaſury; where they ſtill remain, under the cuſtody of the treaſurer and chamberlains of the exchequer. Secondly, of the perſons that ſat and acted in the exchequer, during this ſecond period. The king's chief juſticiary continued at firſt to preſide and act as he had before uſed to do. Afterwards, when he ceaſed to preſide there, the power of the treaſurer increaſed. Then, the affairs were guided by the treaſurer and barons of the exchequer. To them may be added the king's council, whom we often find acting both in the ſuperior court, and in the exchequer; and that men were ſometimes ſummoned to appear before the king's council there, on ſet days. The next perſon was

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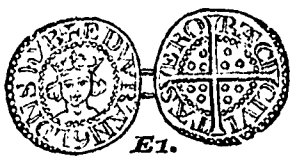
the treaſurer. King Henry III. by his charter, granted his treaſury of his exchequer of England, to Walter Mauclerc, biſhop of Carliſle, to hold during life. Some perſons have been inclined to think, the office of the king's treaſurer, (or, as we now call it, treaſurer of England) and that of treaſurer of the exchequer, were in two diſtinct offices. But in numberleſs inſtances, the treaſurers during the reigns of Henry III. Edward I. and II. are ſtiled ſometimes the king's treaſurer, and ſometimes treaſurer of the exchequer. It does not appear, what appointment the treaſurer in the moſt antient times received of the king. In the reign of Henry III. the yearly ſalary was c marks. The ſame ſalary was paid to John biſhop of Ely, treaſurer 25 Ed. I. But at that time, the king uſed to make other proviſion for the treaſurers by ſome beneficial grant, or eccleſiaſtical preferment; and ſo likewiſe for the chancellors, and other officers, who were eccleſiaſtical perſons. Sometimes there was at the exchequer an officer, called the treaſurer's lieutenant. He acted in the treaſurer's abſence, or if no treaſurer, executed the treaſurer's office, and was in effect the treaſurer's deputy, or vice-treaſurer; Locum tenens, ſignifying a deputy, or a perſon that acts in another's ſtead. There were lieutenants to ſeveral other officers, as to the king's chancellor, earl marſhal, ſheriffs, etc. After the treaſurer, came the chancellor, who ſeems to have been appointed to be a check upon the treaſurer. He took an oath upon entering into his office to this effect: "That he would well "and truly ſerve the king, in his office of chancellor of the exchequer: that he would well and truly do, what appertained to "his office: that he would diſpatch the king's buſineſs before all "other: and that he would ſeal with the exchequer ſeal, no judicial writ of any other court, beſides the exchequer; whilſt the "chancery (or chancellor) was within twenty miles of the place "where the exchequer was holden." Lib. Rub. Scac. p. 14. The reſt of the perſons that ſat in the exchequer, were the barons, who were appointed by the king in the following manner: "Rex "omnibus ad quos, etc. Sciatis nos conceſſiſſe dilecto et fideli "noſtro magiſtro Alexandro de Swereford theſaurario Sancti Pauli "Londoniæ, quadraginta marcas ſingulis annis percipiendas ad "ſcaccarium noſtrum ad ſe ſuſtentandum in ſervitio noſtro ad ſcaccarium ubi reſidet per præceptum noſtrum, donec ei aliter provi"derimus. In cujus rei teſtimonium, etc. Teſte rege apud Weſtm. "21° die Octobris." Pat. 18 Hen. III. M. 2. Again, "Rex "mandat Baronibus de Scaccario filio quod conſtituit dilectum et fidelem ſuum Johannem de Cobeham, baronem ſuum ejuſdem ſcaccarii; "ita quod officium baronis ibidem exerceat quamdiu ſibi placuerit: "Et ideo mandat eiſdem, quod ipſum Johannem in baronem "ejuſdem ſcaccarii ad hoc admittant in forma prædicta. T. meipſo "apud Weſtm. 8 die Junii, anno regni quarto." Trin. Com. 4 Ed. I. Rot. 8. b. The next com-note, (which concludes this ſubject) will treat of, 1. The buſineſs. 2. The accompts. 3. The officers, of the exchequer, during the ſecond period.



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Edward I. is ſuppoſed to be the firſt of our kings that perfectly fixed the ſtandard of our coin. In the third year of his reign, ſays an old leiger book of the abbey of St. Edmunſbury, the matter was thus ordered by Gregory Rockley, then mayor of London, and mint-maſter: that in a pound of money there ſhould be eleven ounces two-pence farthing, pure leaf ſilver, and only ſeventeen-pence half-penny farthing allay; and this pound was to weigh twenty ſhillings and three pence in account, each ounce, twenty pence, and every penny, twenty four grains and a half. In 28 Edw. I. an indented tryal-piece of the goodneſs of old ſterling, was lodged in the exchequer, and every pound weight troy of ſuch ſilver was to be ſhorn at twenty ſhillings three pence, according to which the value of the ſilver in the coin was one ſhilling eight pence farthing an ounce. This king ſent for foreign mint-maſters, (namely, William de Furnemire and others from Marſeilles, and one Freſcobald, and his companions from Florence) in the eighteenth year of his reign, to inform him of the manner of making and forging money, which is ſaid to be thus: firſt, the ſilver was caſt from the melting-pot into long barrs; thoſe barrs were cut with ſheers into ſquare pieces of exact weights; then with the tongs and hammer they were forged into a round ſhape, after which they were blanched or made white by boiling, and afterwards ſtamped with a hammer to make them perfect money. For the coining his money, (as it is reported in the additions to the Red Book of the exchequer, which are not of equal credit with the book itſelf) the mint-maſters had thirty furnaces at London, eight at Canterbury, (beſides three the archbiſhop had there) twelve at Briſtol, twelve at York, and more in other great towns, in all which places the ſame hammered money of ſilver, ſupplied by the king's changers, who according to certain rates preſcribed them, took in the clipped, rounded, and counterfeited moneys to be recoined, bought gold and ſilver of the merchants to be fabricated into new monies; at the ſame time it was ordained, "Quod proclametur "per totum regnum quod nulla fiat tonſura de nova moneta ſub "periculo vitæ et membrorum, et amiſſionis omnium terrarum et "tenementorum," etc. And this hammered money continued through all the reigns of ſucceeding kings and queens, till about the year 1663. There are no indentures with the mint-maſters, by which one can certainly judge of the proportion of the fineneſs and allay, to be obſerved in the fabrication of the moneys till the reign of Edward III. as will be ſeen hereafter. The ſize of the coin was not, probably, altered by Edward I. the penny being ſuppoſed

poſed to have been the only current money of England. This prince was the firſt that uſed Dominus Hiberniæ conſtantly upon his money, which was never wanting in his, nor in Edward II's, nor in Edward III's coins, but was afterwards left out, nor is there any more mention of Ireland upon the ſilver money till Henry VIII. He likewiſe left out the ſcepter, which appears no more upon the ſmall money till Henry VIII. nor upon the large till queen Elizabeth's crown and half crown, and the name of the mint-maſter on the reverſe, inſtead of which he put the place of mintage. He was likewiſe the firſt that forbid the uſe of broken money. But it is difficult to diſtinguiſh the money of this king from Edward II. becauſe the face, ſtyle, weight and reverſe, are alike. But a learned antiquary, (the archbiſhop of York) aſcribes thoſe with the three firſt letters, E D W. to Edward I. becauſe of the plenty thereof, for Edward I. is known to have coined much more money than his ſon, and alſo from the mintage at Dublin, ſet up by this Edward, which has always E D W. From whence it is to be concluded, that all belong to him that have this inſcription: E D W. R. A N G. D N S. H Y B.. The king full-faced, and crowned with an open crown of three Fleurs-de-lis, with two rays, or leſſer flowers, not raiſed ſo high; the croſs compoſed of a ſingle line, pretty broad, and continued to the outer rim; three pellets in each quarter, circumſcribed with the place of coinage, viz. London, Canterbury, (ſee fig. 1.) VILLA. KINGSETON, Durham, Newcaſtle, Berwick, Lincoln, Exeter, Briſtol, VILLA. SCI. EDMVNDI. Likewiſe his Iriſh money, the head in a triangle, C I V I T A S. D U B L I N I E. (ſee Fig. 2.) Alſo Waterford and Cork, which ſhows there was more than one mint in Ireland. He is reported, (but ſays Nicholſon, falſely) to have ordered the minting of groats. J. Speed pretends to give a cutt of one, but he is ſuppoſed to be miſtaken. The moſt remarkable corruptions of the coin are found in antient records to be in this reign, when there was imported a ſort of light money, with a mitre, another with a lion, a third of copper blanched, to reſemble the money of England, a fourth like that of king Edward, a fifth plated, known by the names of Crocards, Pollards, Staldings, Eagles, Leonines, and Steepings. And the merchants to avoid the ſearch at Dover and Sandwich, concealed the parcels in bails of cloth, and brought them in by other ports. "Les queux choſes ſi elles fuiſſent long tems ſoefferts, (ſays the "Red-Book) elles mettereyent la monye d' Anglitere a rienk." And the chiefeſt remedies then applied were: 1. To cry down all money that was not of England, Ireland, or Scotland. 2. That ſuch as arrived from beyond ſeas, ſhould ſhow the money they brought with them to the king's officers. 3. And not to hide it in girdels, upon pain of forfeiture. 4. That the light and clipt money, might be bored through without contradiction. 5. And that the ſame ſhould be received and paid by weight, at a certain rate, and that the perſons having ſuch money, ſhould bring it to the king's changers, who as well as the maſters of the mint, had ſeveral offices erected in divers parts of the kingdom, whoſe principal buſineſs was

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to buy in the ſilver of the bad money, "Que les Pollards et Crock-"ards et les autres mauvaiſes moneis contrefaits ſeront abatues." And there was a writ, then directed to the ſheriffs, to prohibit the importation of clipt or counterfeit moneys, and the uſe thereof in merchandizing or negotiating, under ſevere penalties, and commanding thoſe that had ſuch money to bore it thorough, and to bring it to the king's change to be new coined.

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10. EDWARD II. ſirnamed of CAERNARVON.

State of England.

THE reign of Edward I. had been a glorious and triumphant reign for England. The principality of Wales was united to the crown. Scotland, thrice ſubdued, was upon the point of being conquered a fourth time, the Engliſh army having entered the frontiers. There were no more factions in the kingdom. Diſcord was baniſhed, and a good harmony eſtabliſhed between the ſovereign and the people. All this ſeemed to make ample amends for the loſſes ſuſtained by the crown beyond ſea, in the reigns of John and Henry III. not ſo much by the weakneſs of the Engliſh as the puſillanimity of thoſe two princes. Edward of Caernarvon's age, who, when he mounted the throne, was in his twenty third year, his noble ſtature, good mien, majeſtic preſence, joined to the advantage of being born of a father ſo univerſally eſteemed, gave the Engliſh freſh hopes. As never did prince come to the crown in more favourable circumſtances, ſo never was prince received with a more general joy and greater applauſe. It even ſeemed, that the extraordinary ſatisfaction ſhown by the people on this occaſion, was ſomewhat injurious to the glory of the deceaſed king [f].

The Engliſh prepoſſeſſed in favour of Edward II.

Edward recalls Gaveſton, and loads him with favours.

This prince's firſt ſteps a few days after the death of his father, blaſted all theſe pleaſing hopes, and turned the nation's joy into mourning. He had not yet done the laſt offices to the great prince to whom he owed his birth, when forget-

[f] The new king on the firſt of Auguſt began his march towards Scotland, having ſummoned the nobility of that kingdom to meet him at Dunfreis, and do their homage, which ſeveral of them did. Whereupon Edward being contented with theſe outward formal ſubmiſſions, appointed Aymeric de Valence, earl of Pembroke, guardian of Scotland, and went back into England. Chron. de Lanerc. Rymer, Tom. III. p. 7.

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ting his oath concerning Gaveſton, he recalled that favorite. He did not ſo much as ſtay for his return, but made him in an inſtant the richeſt man in the kingdom. He created him earl of Cornwal [g], and gave him the lands fallen to the crown by the death of the late earl, ſon of Richard king of the Romans [h]. His impatience to load with favors a man who had been juſt driven from him, as the corrupter of his youth, plainly diſcovered to what height his paſſion was grown, and how much the conſequences were to be dreaded. But this was not all the effect it produced. The Engliſh began to have a diſadvantagious idea of their new king, and at the ſame time to think of means to curb the impetuous heat of a prince, who gave ſo juſt occaſion of fear. For, not content with beginning his reign with the breach of his late oath to his father, in recalling a favorite deſpiſed by all the world, he had loaded him with benefits, and immediately after his return preſented him with the Iſle of Man. But this was not the only or chief cauſe of the diſcontent of the Engliſh lords. They could not ſee, without extreme grief, ſuch a man as Gaveſton diſpoſe at pleaſure of all the offices of the kingdom, and become abſolute maſter of the adminiſtration of affairs, which the king wholly left to his management. It ſeemed that Edward deſired to be king, only to have it in his power to ſhower down his favours on Gaveſton. Wholly intent upon pleaſing him, as a lover his miſtreſs, he concerned himſelf with nothing, but daily to deviſe new means to procure him ſome ſatisfaction. In ſhort, giving himſelf up intirely to his guidance, he let him act as king, whilſt himſelf gloried in being his ſubject or ſlave. A more exceſſive paſſion was never known. Accordingly people ſcrupled not to ſay publicly, the king was bewitched.

Act. Pub. III. p. 1. Walſing.

If a woman had been thus enamoured of Gaveſton, it would not have been thought very ſtrange, ſince he wanted no qualification to recommend him to the favour of the fair ſex. He had a beautiful face without any defect. His ſhape fine and eaſy, his air noble and grand, in all the exerciſes of the body he was diſtinguiſhed for his extraordinary addreſs. One could not help admiring his wit, and his ſharp and quick repartees, peculiar to the Gaſcons, among whom he was

Deſcription and character of Gaveſton. J. Trokelow. Walſing. Knighton, Sir Thomas de la Moor.

[g] The patent or order for creating him earl of Cornwal, bears date Auguſt 6, at Dunſtable. Rymer's Fœd. Tom. III. p. 4.

[h] And the wardſhip of the perſon and eſtate of Gilbert earl of Gloceſter. How advantagious the wardſhip of ſuch a perſon and eſtate was in theſe days, may be gathered from Simon de Montfort fining in ten thouſand marks to have the cuſtody of the lands and heir of Gilbert de Unfranville in 31 of Hen. II. Rot. -.

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born. To all this ſome add an uncommon valour. If he had been leſs beloved by the king, he would have made a more laſting, though not ſo conſiderable, a fortune; but the affection of his prince inſpired him with a pride which proved his deſtruction. He would govern the ſtate with an abſolute ſway, without ſharing his power with any perſon whatever; hardly vouchſafing ſo much as to uſe the king's name. His external accompliſhments, which ſhone with great luſtre, rendered him ſo proud and inſolent, that he thought himſelf above all the great men, though by his vices and debaucheries he degraded himſelf below the very meaneſt. The chief means he uſed to gain Edward's affection, was a blind condeſcenſion to his deſires, without examining whether they were virtuous or vicious. When once he came to have an influence over him, his only care was to indulge him in his pleaſures, to which that prince was too much addicted. What then could be expected from the ſtrict union of two ſuch perſons, but a ſcandalous licentiouſneſs at court, and an entire decay of the public affairs? an unexperienced and mean-ſpirited miniſter, who minded nothing but trifles, diverſions, balls, banquets, and ſome ſtill leſs innocent pleaſures, was little capable of governing ſo large a kingdom. It was not long before the nation experienced the fatal effects of ſo ill a choice.

The biſhop of Lichfield impriſoned. Act. Pub. III. p. 11. Walſing

Gaveſton's return was immediately followed by the diſgrace of Langton biſhop of Lichfield, and high-treaſurer. Edward hated that prelate mortally, for having been the principal promoter of Gaveſton's baniſhment. As ſoon as he came to the crown, he confined him in Wallingford caſtle, and would not ſuffer any perſon to ſpeak in his favour. It was not but upon the preſſing inſtances or rather threats of the pope, that he freed him again after a long confinement. To this violence he added the removal of all his father's officers and domeſtics, without vouchſafing to adviſe with his council.

1308. The king's marriage Act. Pub. III. p. 16. Walſing.

The beginnings of this reign being very unpromiſing, the chief lords thought betimes of checking the impetuoſity and capricious temper of their prince. But theſe thoughts were interrupted by the celebration of his nuptials. The king his father had contracted him to Iſabella of France, daughter of Philip the Fair, and had charged him when dying, to conſummate the marriage as ſoon as poſſible. This was the only thing wherein he made haſte to obey him. Neglecting therefore the war with Scotland, which was no leſs neceſſary, he repaired to Boulogne, where the king of France ſtayed for him, to deliver his daughter into his hands. Never was wedding

ding more magnificent. There were present four kings and four queens, besides a great number of princes and princesses, lords and ladies, who made the most numerous assembly of nobles that had been seen a great while [i].

Though Edward's voyage was very short, it failed not to produce ill effects. Upon leaving England, he was so weak as to appoint his favorite guardian of the realm, with power to dispose of all vacant places and benefices, wardships of young nobles, and in short, to act in all things with an unlimited authority [k]. So many favors added to the great presents he had made him before his departure into Guienne, his country [l], rouzed the jealousy of the barons. They carried their resentment so far, that they combined together to hinder the king's coronation, the day whereof was now fixed. Edward not being able to break so powerful a league, where almost all the lords of the realm were concerned, chose to prevent the consequences by fair means. He gave his word to the barons, that in the next parliament he would grant whatever they could reasonably desire. This promise satisfied them. But they were extremely troubled to see Gaveston commissioned to carry the crown of St. Edward, with which the king was to be crowned; an honour that, by antient custom, belonged to the princes of the blood. This preference provoked the lords to the last degree against the favorite, and withal filled them with indignation against the king, who seemed to glory in his fondness for a man odious to the whole nation. The coronation however was solemnized without opposition; the bishop of Winchester performing the ceremony, by order of the archbishop of Canterbury, who was out of the kingdom. The form of the coronation-oath was as follows:

Gaveston made guardian in the king's absence. Act. Pub. III. p. 47, 53. Walsing. p. 96.

Barons league against the king.

Edward promises to satisfy them. Walsing. Act Pub. III. p. 63.

Act. Pub. Ibid.

[i] The marriage was celebrated Jan. 25. There were present the kings of France, Navarre, Almain, and Sicily, with the queen Mary of France, Margaret dowager of England, and the queen of Navarre. Isabella was but between twelve and thirteen years of age. Walsing.

[k] The king's patent bears date December 26. at Westminster. This act shews the error of most historians, particularly, sir Thomas de la Moor, father Orleans, Speed, the annotator upon Daniel's history, Dr. Howel, etc. who all say Gaveston was with the king at the celebration of his nuptials. Whereas he was then in England, as appears from several orders in the Fœdera, signed by him in the king's absence, with the subscription Teste Gaveston. Multitudes of such mistakes are rectified in Rapin by means of the Fœdera.

[l] Walter Hemingford says, the king bestowed upon him all the money hoarded up by the late king, which amounted to a hundred thousand pounds. Besides this, Gaveston had the confidence, through the king's indulgence, to take the treasure and jewels of the crown, and send them beyond sea for his own use. Tyrrel, p. 225. Walsingham.

Bishop

The coronation-oath.

Biſhop of Wincheſter. "Sir, Will you keep and confirm "by your oath to the people of England, the laws eſtabliſhed "by the pious kings your predeceſſors, and particularly, the "laws, cuſtoms, liberties, granted to the clergy and people "by the glorious St. Edward your predeceſſor?"

King. "I will and promiſe it."

Biſhop. "Sir, Will you preſerve to God, to holy church, "to the clergy and people, the peace of God, fully and to the "utmoſt of your power?"

King. "I will."

Biſhop. "Sir, Will you cauſe to be obſerved in all your "judgments, right and juſtice with diſcretion, in mercy and "in truth, as far as you are able?"

King. "I will."

Biſhop. "Sir, Will you promiſe to keep, and cauſe to be "kept, the laws and ſtatutes that the community of your "kingdom ſhall judge fit to enact, and will you defend and "protect them to the utmoſt of your power?"

King. "I do promiſe it."

As this is the firſt perfect copy of a coronation-oath in the Engliſh hiſtory, it will not be amiſs to remark the advantage gained by the people upon the royal authority, ſince the eſtabliſhment of Magna Charta. It manifeſtly appears by the oath, that, far from ſuppoſing the great charter to be the original title of the privileges granted by king John to the people of England, it was conſidered only as a confirmation of the antient liberties of the nation. Upon this ſuppoſition, Edward II. was made to ſwear, he would obſerve the laws of St. Edward, which were no other than thoſe of the Anglo-Saxons; leſt by cauſing him to ſwear to keep the great charter, there might be room to imagine, the privileges of the people were founded on the conceſſions of the kings. I do not know whether Edward I. took the ſame oath, or whether it was firſt introduced at the coronation of Edward II.

The king forgets his promiſe.

The ſolemnity was no ſooner over, but Edward forgot his promiſe to the lords: he ſtill continued his favour to Gaveſton, and left him, as before, abſolute maſter of his own and the kingdom's affairs. Gaveſton, for his part, far from endeavouring to lay the impending ſtorm, affected to govern with an arbitrary ſway, without vouchſafing to aſk any man's advice. He uſed his influence over his maſter, to divert him from the thoughts of proſecuting the war with Scotland, which the king his father had ſo earneſtly enjoined him, and whereof his ſubjects impatiently waited the iſſue, in order to be eaſed

Gaveſton's imprudent conduct. J. Trokelow

of the burden. Inſtead of inſpiring the king with the love of glory and virtue, he filled the court with libertines, buffoons, and paraſites, and the like pernicious inſtruments, proper to corrupt his inclinations, though they had been naturally as good as they were bad. To this he added the ridiculous vanity of affecting to wear the king's jewels, and the crown itſelf, which Edward freely permitted. The king's weakneſs grew to that height, that he was heard to ſay, if his power was equal to his affection, he would ſet the crown on Gaveſton's head. As that was not practicable, he reſolved at leaſt to raiſe him as near the throne as poſſible, by giving him his niece, ſiſter of the earl of Gloceſter, in marriage [m]. Walſing.

Every freſh favour granted to Gaveſton by the king, increaſed the hatred of the lords. Hardly would an Engliſhman, raiſed to ſo high a ſtation, have been endured, much leſs a private Gaſcon gentleman, in whom they diſcovered no other merit than a handſome face, an eaſy ſhape, and a quick wit, very agreeable in converſation, but little proper to govern a ſtate. They plainly ſaw, it was in vain to preſs the king to part with this favorite, and that he would never conſent to their requeſt, unleſs he was forced. In this belief, inſtead of amuſing themſelves with perſuading Edward by reaſons, which would have been fruitleſs, they drew into their league the members of the parliament which was to meet, and accordingly did meet in May 1308 [n]. By the management of the lords, Gaveſton's baniſhment became the chief, or rather the ſole buſineſs of the ſeſſion. The two houſes being united in the ſame deſign, demanded of the king, in ſo ſtrong and poſitive a manner, that Gaveſton ſhould be baniſhed, that he durſt not oppoſe it. He was afraid his refuſal would deprive him of the aids he expected for the continuation of the war with Scotland, and perhaps dreaded ſomething worſe. Therefore, without any fruitleſs diſputes, he ordered letters patents to be drawn up, promiſing to cauſe Gaveſton to depart the realm before St. John Baptiſt's day next enſuing. Mean time, inſtead of acting ſo as to give room to believe he de-

Hatred of the lords againſt Gaveſton. Walſing.

The parliament petition Gaveſton's baniſhment.

The king promiſes it. Act. Pub. iii. p. 80. Walſing.

[m] Margaret. Upon this marriage the king beſtowed upon him the honours of Tickel and Berkhamſted, the caſtles and manors of Skipton, in Yorkſhire; High Peak, Derbyſhire; Cockermouth, Cumberland; Tarpel and Upton, Northamptonſhire; Carefbrook, in the Iſle of Wight, with divers other lands. He alſo granted him lands in Gaſcienne, to the value of three thouſand marks a year. Tyrrel. Rymer's Fœd. tom. iii. p. 49, 87.

[n] They met at Ware, and from thence went to Northampton, and iſſued out ſummons to the reſt of the barons to come thither to a treaty or council, concerning the great affairs of the kingdom. So the king having no forces to oppoſe them, was forced to ſummon a parliament, to meet fifteen days after. Chron. St. Auguſt.

ſigned to perform his promiſe, he every day heaped new favours on Gaveſton. Fifteen days after his engagement, he made him a grant of three thouſand marks a year in land. This conduct clearly ſhewing, he was by no means reſolved to part with his favourite, the archbiſhop of Canterbury, who had leagued with the barons, though he lay under great obligations to the king, excommunicated Gaveſton, in caſe he did not leave the realm by the time preſcribed him. Edward little regarding this cenſure, only intreated the pope to annul it. At the ſame time he wrote to the king of France, his brother-in-law, to deſire him to procure an agreement between him and the barons, and ſo to manage as he might keep his favourite [o].

He defers his promiſes Act. Pub. iii. p. 90, 91.

p. 167.

p. 89.

Theſe meaſures were neither juſt nor early enough. The lords finding the appointed time for Gaveſton's departure drew nigh, were ſo urgent with the king to oblige him to keep his word, that he durſt not refuſe it. However, in performing his promiſe, he found means to give his favourite a freſh mark of his affection, by making him governor of Ireland, with a very extenſive authority. This removal, how honourable ſoever it was, failed not to give ſome ſatisfaction to the lords, who hoped to take advantage of his abſence to ruin him. But he himſelf was not at all pleaſed. Beſides, that the change of England for Ireland appeared to him very diſadvantagious, he was ſenſible his abſence from court could not but prove fatal to him. As he was abſolute maſter of the king, hardly was he arrived in Ireland, when he cauſed himſelf to be recalled, under pretence of aſſiſting at a tournament to be held at Wallingford. The magnificence wherewith he appeared on that occaſion, and the great number of foreigners that attended him, and ſerved him for guards, greatly increaſed the jealouſy of the lords, who ſaw themſelves thus braved. To this kind of inſult he added the indiſcretion of jeſting upon the earls of Lancaſter, Warwick, Warren, and Hereford, which would have induced them to be revenged, though they had no other reaſon to complain. He called the earl of Lancaſter, ſtage-player; the earl of Pembroke, Joſeph the Jew; the earl of Warwick, the wild boar of Ardenne; and ſo to each of his enemies he gave nicknames to make them ridiculous, or to diſcover their faults. The lords ſeeing themſelves inſulted by the favourite, and deceived by the king, met together to concert means to oblige

Gaveſton made governor of Ireland. p. 93. Knighton.

1309. He is recalled, Walſing.

and inſults the lords. Walſing. p. 95.

1310. Addreſs of the lords.

[o] Walſingham ſays, Gaveſton went out of the kingdom, and the king of France ordered him to be ſeized if he came into his dominions; but he lurked about in Flanders, and returned to England before Chriſtmas.

Edward

Edward to perform his word. Quickly after, they preſented a petition to him [p], ſetting forth, that the ſtate and his own houſhold were ſo ill managed, that it was abſolutely neceſſary to find means to prevent the conſequences of this diſorder. They added, the only proper method, as they thought, was, for the king to leave to certain lords appointed by the parliament, the care of making a regulation for the well-governing the kingdom and his own domeſtic affairs [q]. Edward had already given great ſigns of weakneſs in his regard for their former demands. He had made them ſenſible, that if, for the future, they ſhewed reſolution, he would not have the courage to reſiſt. They were not miſtaken in their conjectures. This prince, as timorous on certain occaſions as haughty on others, was uncapable of diſcerning when he ſhould give way, and when ſtand his ground. Accordingly, he took preciſely the contrary to what he ſhould have done. Inſtead of complying with the barons, when they firſt petitioned for Gaveſton's removal, he obſtinately perſiſted in retaining him againſt all the rules of policy. Afterwards, far from oppoſing to the utmoſt of his power, the motion of placing the government in other hands than his own, and inſtead of running all hazards rather than give his conſent, he believed it expedient to yield to their importunity. Without conſidering the conſequence of a condeſcenſion ſo pernicious to his authority and quiet, he permitted the parliament to chuſe ſeven biſhops, eight earls, and ſix barons, to make the propoſed regulation [r].

They propoſe hard terms. Brady's Ap. N° 50. Walſing.

To which the king conſents. Act. Pub. iii. p. 201, 204, 220.

In conſequence of the king's conſent, the lords having finiſhed the regulation, preſented the plan to the king, who approved it, and gave them power to cauſe it to be obſerved for one year. It contained but ſix articles, whereof the two principal were: "That the king ſhould not diſpoſe of any "part of his revenues; which ſhould for the future be ex- "pended in paying his debts, and maintaining his houſhold, "that he might live on his own income, without taking any "thing from others: That the great charter ſhould be punc-

The new regulation of the government. Act. Pub. iii. p. 221. Brady's Ap. N° 52.

[p] In a parliament held at London in January. Walſing. p. 97. Brady ſays, it was in a parliament held Auguſt 10. Cl. 4 Edw. II. m. 1. Dorſ. This parliament was continued or prorogued till the beginning of November. Cl. 5 Ed. II. m. 25. Dorſ.

[q] The moſt full and particular account of this whole tranſaction is in Brady's Hiſt. vol. iii. p. 102—119, and Appendixes, N° 50.

[r] They were the archbiſhop of Canterbury, the biſhops of London, Saliſbury, Chicheſter, Norwich, St. David's, and Landaff: the earls of Gloceſter, Lancaſter, Lincoln, Hereford, Pembroke, Richmond, Warwick, Arundel: and theſe barons, Hugh de Ver, William le Marſhal, Robert Fitz Roger, Hugh Courtney, William Martin, John de Grey Brady, p. 103.

" tually kept; and in caſe any article ſhould be obſcure or " doubtful, it ſhould belong to the lords elected (who were " ſtiled Ordainers) to explain it." There was nothing inſerted concerning Gaveſton's baniſhment. Probably, the barons were of opinion, there was no danger from that favorite, ſo long as the government was in their hands. Nevertheleſs, when they afterwards ſaw the king continue to heap favours on him, and, without aſking their advice, had made him governor of Nottingham, and warden of the foreſts on this ſide the Trent, they drew up one and forty new articles, to which the king was forced to aſſent. By one of theſe articles, Gaveſton was expreſly ſentenced to perpetual baniſhment.

The king continues his favours to Gaveſton. Act. Pub. iii. p. 225, 226.

1311.

Gaveſton is baniſhed.

Edward having thus ſuffered himſelf to be bound with fetters which he could not ſhake off, reſolved, though with extreme regret, to part with Gaveſton. However, to ſave him the ſhame of being baniſhed, he gave him an imaginary commiſſion to levy troops in Guienne, for the aſſiſtance of the earl of Foix, who had been at variance with the court of France, but the diſpute was now at an end.

p. 278, 279, 259.

1312. The king recals him. Act. Pub. iii. p. 298.

Gaveſton's baniſhment was of no long continuance: Edward, who could not live without him, diſregarding the articles he had lately ſigned, recalled him without acquainting the Ordainers. Shortly after he ſent circular letters to the ſheriffs, to give them notice thereof, and to juſtify what he had done. He told them, that being bound by his coronation oath to ſee the laws put in execution, there was no authority that could abſolve him therefrom: that Gaveſton being baniſhed by a notorious violence, and without a legal ſentence, he could not deprive him of the benefit of the law, to which all his ſubjects were intitled: that therefore he had cauſed him to return into the kingdom, not with deſign to ſcreen him from juſtice, but that he might be tried according to the uſual form: that in the mean time he conſidered him as a good and faithful ſubject, and ordered them to publiſh this declaration in their reſpective juriſdictions.

The barons ſtir up the people againſt the king. Walſing.

The lords were not much diſpleaſed that the king by this proceeding, had furniſhed them with a pretence to complete the ruin of a favorite, who could not be torn from him without violence. In order to open a way to their end, they endeavoured to gain the people by exclaiming againſt the king's conduct. They ſaid publicly, there was no depending upon what was enacted by the parliament, ſince the king diſregarded it. That it was eaſy to ſee, the king was aiming at an arbitrary power, and the whole nation was equally concerned

to

to oppoſe the growth of a power, which tended to render the ſubjects ſo many ſlaves. Theſe diſcourſes, being ſupported by their emiſſaries among the people, began to create an univerſal diſcontent, of which the king had but too much reaſon to dread the conſequences. He imagined, he ſhould be able to prevent them by publiſhing a proclamation, proteſting it was his intention to obſerve the one and forty articles. But as he had violated one of the principal in recalling his favorite, his proteſtation produced no effect.

Mean time, Gaveſton, ſtill more indiſcreet than his maſter, inſtead of appeaſing his enemies by his modeſt behaviour, daily grew more proud and arrogant. He acted as if he had nothing to fear, or as if he was ignorant of the barons deſigns. He had even the boldneſs to ſpeak inſolently to the queen; who not being able to obtain any ſatisfaction, complained to the king her father. She told him, that Gaveſton was the ſole cauſe of her misfortunes; and her huſband's fondneſs for that unworthy favorite, alienated his affections from her, and made him an entire ſtranger to his bed. This complaint has made ſome ſuſpect, that the familiarity between the king and Gaveſton was of a very criminal nature. But perhaps their ſuſpicions are carried too far.

Inſolent behaviour of Gaveſton, particularly to the queen. Walſing.

Mean while the barons kept their firſt deſign in view: there were among them perſons of great abilities, who knew how dangerous it is, on theſe occaſions, to act by halves; and that if ſuch enterprizes are not brought to an iſſue, they ſeldom fail to ruin the authors. Lacy earl of Lincoln, was one of the moſt conſiderable of the party, as well for his birth and high offices, as for his age and experience. As he was confined to his bed by a diſtemper, which in all appearance would lay him in his grave, he was apprehenſive, that after his death the confederates would give way, and wanted to prevent that accident, which would have occaſioned their ruin. To that end, having ſent for his ſon-in-law, the earl of Lancaſter, grandſon of Henry III. "he conjured him in the ſtrongeſt "and moſt moving terms, not to abandon the church and "people of England to the mercy of the popes and kings. He "told him, his birth obliged him to endeavour to free the "kingdom from oppreſſion: he charged him to have always "a great regard for the king; but withal he added, that his "regard ought not to hinder him from doing all that lay in "his power, to remove from the king's perſon the foreign "miniſters and favorites; that honour, conſcience, the public good, called upon him to procure the obſervance of the "great charter, the only baſis of the welfare and peace of the

The earl of Lincoln's advice to the earl of Lancaſter. Walſing. An. 1312. p. 100.

Walſin.

Confederacy of the lords.

"kingdom. In concluſion, he adviſed him to join heartily "with the earl of Warwick [s], who among all the confederate lords was beſt able to carry on the important under-"taking." It was not long before the effects of this advice were ſeen. The earl of Lancaſter entering into a ſtrict confederacy with the earls of Warwick, Pembroke, Arundel, Hereford, Warren, the archbiſhop of Canterbury, and ſeveral other biſhops and barons, they unanimouſly reſolved to take up arms, under the uſual pretence of defending the rights of the church and ſtate.

They chuſe the earl of Lancaſter general. Walſing.

The earl of Lancaſter was choſen general of the intended army, an honour which could not be refuſed to his merit, though no regard had been paid to his quality [t]. Immediately after this reſolution was taken, all the confederate barons diſperſing themſelves into the ſeveral counties, publicly levied troops. They uſed ſuch expedition, that in a ſhort time their forces were aſſembled at the appointed rendezvous. It was impoſſible for Edward to be ignorant of theſe preparations: and yet, as if he was unconcerned, he took no notice of them. Inſtead of thinking of means to ſatisfy the incenſed barons, or to defend himſelf againſt their inſults, he minded nothing but his diverſions at York, where he was then with Gaveſton. His only care was to heap new favours on his minion, remaining in a ſurpriſing indolence, whilſt he ſaw the whole kingdom ready to riſe againſt him. He ſeemed to affect continually to act contrary to his real intereſts, and to neglect to take ſuch meaſures, as a perſon of an ordinary underſtanding might have pointed out to him. At the very time that he ſaw the barons in arms, to compel him to obſerve the one and forty articles, he wilfully violated one of the principal, in making the biſhop of Litchfield high-treaſurer without the conſent of the Ordainers [u]. But this was not the only error he committed. As if he had been in a condition to give law to the barons, he would have reformed at the ſame time the regulation, on pretence he had reſerved to himſelf the power of altering, with the advice of the Ordainers, ſome articles prejudicial to his prerogative. It was eaſy to ſee this was no

Indolence of the king. Act. Pub. III. p. 305, 306, 310.

p. 310.

He has a deſire to reform the regulation. Ibid. P. 310, 317.

[s] Guy de Beauchamp.

[t] He was ſon to prince Edmund ſon of Henry III. and earl of Lancaſter, Leiceſter, and Derby, and in right of his wife, of Lincoln and Salisbury. Beſides he had a great eſtate in Yorkſhire, Cumberland, and Wales, and was earl of Artois in Picardy, and conſequently the greateſt ſubject in the kingdom. Walſingham.

[u] The biſhop was thereupon excommunicated by the archbiſhop of Canterbury; but the king ſolicited the pope to abſolve him from that ſentence. See Rymer's Fœd. Tom. III. p. 322.

proper

proper ſeaſon for that work. And yet he nominated on his part commiſſioners to make the alterations.

The barons had then other deſigns. After drawing all their forces together, they marched directly for York, thinking to ſurprize the king, whoſe indolence gave them room to hope every thing. But upon the firſt notice of their approach, he retired to Newcaſtle, where they followed him without loſs of time. That town not ſeeming to him ſtrong enough, he ſhut himſelf up in Scarborough caſtle, which he deemed his beſt fortreſs in the North. He began then to ſee his error in deferring ſo long to prepare for his defence: but it was too late to think of it. However, in ſpite of the improbability of ſucceeding, he reſolved to go into Warwickſhire; where he expected to raiſe an army, upon the vain hopes, that the people would come and liſt under his banner. But as he was more concern'd for Gaveſton than himſelf, he left him behind at Scarborough, recommending him to the care of the governor as a precious truſt, and a ſure pledge of the confidence he placed in him.

The barons riſe, and the king retires to Scarborough with Gaveſton. Act. Pub. III. p. 327. Walſing.

Whilſt Edward was taking his too late meaſures, the barons, who entered Newcaſtle the very day he departed, ſeized what was left in their haſte by the king and his favorite. In Gaveſton's baggage were found many jewels, belonging for the moſt part to the crown, of which an inventory was taken, that an account might be given of them hereafter. As ſoon as the earl of Lancaſter was informed of the king's departure from Scarborough, and his leaving Gaveſton there, he ſent the earls of Pembroke and Warren to beſiege that caſtle. At the ſame time, he marched with the reſt of the army towards the center of the kingdom, in order to have it more in his power to oppoſe the deſigns of the king. The two detached earls advancing towards Scarborough without oppoſition, formed the ſiege, and carried it on with great vigour. Though the place was one of the ſtrongeſt in the kingdom, it was ſo ill-provided with neceſſaries for its defence, that in a few days Gaveſton was forc'd to deliver himſelf into the hands of his enemies. He obtained however a ſort of capitulation, whereby it was promiſed him that he ſhould ſpeak with the king, and be tried by his peers.

The barons ſeize the king's and Gaveſton's equipage at Newcaſtle. Walſing.

They beſiege Scarborough. Act. Pub. III. p. 327, 329, 331, 334.

Gaveſton. ſurrenders. Walſing.

As ſoon as Edward heard of his favorite's being taken, he earneſtly ſolicited his liberty, or that at leaſt he might ſee and ſpeak with him according to promiſe. Above all, he conjured the confederate lords to ſpare the priſoner's life, aſſuring them, on that condition he would give them entire ſatisfaction concerning their grievances. Moſt of the barons were againſt

The earl of Pembroke takes upon him to carry Gaveſton to the king. Walſing.

carrying Gaveſton to the king, well knowing that his requeſt tended only to get him out of their hands. But they conſented at laſt, upon the earl of Pembroke's repreſenting, that having given his word in the name of all the confederates, they were obliged to perform it: that if they would truſt him with conducting him, he would undertake to convey him to the king, and to bring him back at a day and place appointed.

Pembroke deſigned to conduct his priſoner to Wallingford caſtle, where the king was to come and ſpeak with him. Accordingly, taking the road to Oxfordſhire, he came to Deddington, where he left Gaveſton under a guard, whilſt he himſelf went and lodged in a neighbouring caſtle [w]. He did not think it neceſſary to uſe greater precaution in a place where the king had no troops, and where conſequently there was no danger from him: but he found he had taken his meaſures very ill. The earl of Warwick, who was violently againſt the interview of the king and Gaveſton, hearing how they quartered, came that night to the houſe where Gaveſton lay, carried him away by force, and conducted him to Warwick. On the morrow, the ſame earl with ſome others the moſt violent of the party, after a ſhort trial, ordered his head to be cut off [x]. A mad action, if ever there was one, which in violating a capitulation, trampled upon the laws of the land, and the reſpect due at all times from ſubjects to their ſovereign. What would theſe ſame lords have ſaid, if the king or Gaveſton had done the like?

The earl of Warwick carries off Gaveſton, and beheads him. Walſing. Knighton.

Though Edward was extremely incenſed at the boldneſs of theſe lords, it was not in his power to be revenged; and the barons took no care to give him any ſatisfaction for that outrage. On the contrary, not content with being rid of the object of their hatred, they demanded more haughtily than ever, the performance of the forty articles, and a ſpeedy redreſs of the grievances of the ſtate. At the ſame time, they marched to London, (where the king was retired) bent upon obtaining by force, what they plainly ſaw he would never voluntarily grant them. Mean while, the king not daring to truſt the Londoners, was gone to Canterbury, where he was not much ſafer. In this extremity, he had recourſe

The barons march againſt the king. Act. Pub. III. p. 351. Walſing.

[w] He committed the priſoner to the care of his ſervants, and went and lodged with his lady, at a neighbouring place. Walſingham.

[x] In the preſence of the earls of Lancaſter, Warwick, and Hereford, on Blacklow-Hill, near Warwick, the 19th of June. He was buried firſt in the church of the predicant-fryers at Oxford, and afterwards removed to King's Langly in Hertfordſhire, in a monaſtery built by king Edward, to pray for Gaveſton's ſoul. Knighton, Walſingham.

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to the mediation of the pope's nuntio, and of Lewis earl of Evreux the queen's uncle, then in England, and the earl of Gloceſter his nephew, who ſtood neuter. By means of theſe three mediators, who laboured heartily in the affair, certain articles were agreed upon, with which all ſeemed content. The lords promiſed to reſtore what was taken at Newcaſtle; publicly to aſk the king's pardon; and to declare that without any deſign againſt his perſon, their ſole aim had been to redreſs what was amiſs in the government. The king promiſed on his part, to grant a general pardon to them and all their adherents, reſerving a power to grant the like to thoſe that favoured Gaveſton's return. Act. Pub. III. p. 366. Walſing. Matters are accommodated. A general pardon promiſed.

The barons punctually performed their word, in reſtoring what was ſeized at Newcaſtle; but Edward was not ſo ſincere. He delayed publiſhing the general pardon above a year, and during that ſpace uſed all means to draw the earl of Lancaſter to court. But what ſafe-conducts ſoever he offered him, it was not poſſible to perſuade the earl to put himſelf in his power, before the pardon was proclaimed. At length, the barons, weary of the king's evaſions, began to take up arms again, when the king of France ſent the earl of Evreux his brother, accompanied with Enguerrand de Marigny, to try to adjuſt the differences. The queen likewiſe did all that lay in her power. It was very difficult to accompliſh it, becauſe the king ſtill deferring to publiſh the pardon, the barons believed they had reaſon to fear he never deſigned it. During the negotiation, the king went and conferred with his father-in-law, and left orders that the parliament ſhould meet in his abſence. The earl of Lancaſter and the barons of his party, made no ſcruple to be preſent, being encouraged by the king's abſence. But hearing he was returned and landed at Sandwich, they immediately withdrew, not caring to truſt to the ſafe-conducts ſent them from the place of his landing. Their retreat obliged the parliament to break up. Affairs being in ſuch a ſituation as a freſh rupture was every moment to be feared, the mediators were ſo urgent with the king to give the barons ſatisfaction, that he could no longer defer it. He ordered therefore the two general pardons to be drawn up, which were confirmed ſhortly after by the parliament. But as a general pardon did not fully ſatisfy the parties concerned, it was neceſſary to give a particular pardon to four hundred and ſixty eight perſons, whoſe names are mentioned in the Collection of the Public Acts. 1313. The king delays to publiſh it. Act. Pub. III. p. 387, 388. Walſing. Ibid. p. 405, 422. p. 427, 438. The pardon is publiſhed. Act. Pub. III. p. 442, 443, 448, 449.

Whilſt the negotiation was in hand, the queen brought into

The birth of prince Edward.

into the world, in November 1313, a prince chriſtened Edward.

Act. Pub. III. p. 358.

The publiſhing of the general pardons, as well for the confederate barons as for Gaveſton's friends, having at length reſtored peace in the kingdom, the parliament granted the king a conſiderable ſubſidy towards a vigorous proſecution of the war with Scotland. Before the parliament broke up, the barons publicly begged the king's pardon in Weſtminſter-hall, before all the people. This was done in a very ſolemn manner. The barons ſpeaking to the king, us'd the moſt humble and ſubmiſſive terms, as if the pardon he had granted them was the pure effect of his clemency. After that, they returned to their homes, ſatisfied in appearance, but however without ceaſing to diſtruſt the king. They had too highly offended him, to hope he would ever forget it. The death of the earl of Warwick, which happened ſoon after, increaſed their miſtruſt, as he was believ'd to be poiſon'd.

The barons publicly beg the king's pardon. Walſing.

Ibid. p. 103.

Affairs of Scotland.

Whilſt England endured violent ſhocks by the weakneſs and little genius of her governor, Scotland daily grew ſtronger, by the prudent conduct of a couragious and vigilant king, who wiſely improved the repoſe procured by the death of Edward I. Robert Bruce, who may juſtly be called the reſtorer of the Scotch monarchy, politicly ſuppreſſed the factions which divided his ſubjects, and united them all in the deſign of ſhaking off the yoke of ſervitude. By this happy union, he was in a condition not only to recover the beſt part of his country, but alſo to carry his arms into England. I am now going to relate the particulars of the Scotch war, which I could not, without confuſion, intermix with the relation of the domeſtic troubles in England.

War with Scotland.

Edward I. reſolved utterly to deſtroy Scotland, and probably would have reduced the kingdom to a wretched condition, if death had not ſnatched him out of the world very opportunely for the Scots. Robert Bruce was preparing to take advantage of the conſternation of the Engliſh, occaſioned by the loſs of Edward: but a fit of ſickneſs ſeizing him at the ſame time, hindered his entering upon action. Mean while the Scots, who knew not yet the character of Edward II. were in great perplexity, their king being dangerouſly ill, and their forces much inferior to thoſe of their enemies. Edward II's ſudden reſolution to return into England, after advancing as far as Dumfries, and ſtriking terror into the whole kingdom, gave them room to entertain better hopes. His impatience to meet Gaveſton, to marry the princeſs deſigned

An. 1. Edw. Walſing.

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for him, and to be crowned, expelled all thoughts of war, to which he had no inclination. So, leaving his army under the conduct of John Comyn a Scotch lord, he returned into England[y]. His abrupt departure caused great murmurs in the army and kingdom. People could not without astonishment behold him, relinquishing the conquest of Scotland, at a time when the number and ardor of his troops, and king Robert's illness, seemed to warrant him a glorious campaign. His chusing Comyn to command the army was no less disliked. This general was a Scot, and though of the opposite party to Robert, and his particular enemy, his being a foreigner was alone sufficient to offend the English, who thought themselves dishonoured by the preference. What happened quickly after, shewed their complaints were not groundless. Comyn, willing to take advantage of Robert's illness, whom he thought incapable of heading his troops, advanced in order to attack the Scots. Though Robert still found himself extremely weak, he believed he ought not to decline fighting. At such a juncture, a retreat might have disheartned his subjects, and occasioned the loss of his whole kingdom. In this resolution, having mounted his horse, supported by two esquires, he drew up his army, and expected the enemies, with a steddiness that produced a wonderful effect. The English imagined, this little army would never dare to stand before them. But when by the good posture of the Scots, they found themselves disappointed, their courage began so to cool, that hardly could they be brought to begin the fight. So weak an attack, and so ill seconded, inspiring the Scots with fresh courage, they fell with great fury upon their enemies, and put them entirely to rout. The defeat was the more dishonourable to the English, as, besides their being superior in number, they were the same troops that had so frequently vanquished the Scots, and now suffered themselves to be beaten by an army levied in haste, and consisting of undisciplined soldiers. Comyn retiring into England after his defeat, Robert entered the county of Argyle, which still belonged to the English, and ravaged it all over. Shortly after, Edward Bruce, his brother, gave the English another defeat, in the county of Galloway. These two victories gain'd the Scots such a superiority, that they began from

Act. Pub. III. p. 94.

Battle gained by the Scots.

Chron. Lanerc. Another by Edward Bruce.

[y] The earl of Pembroke surrendering his commission of guardian of Scotland, it was confirmed, September 13, 1307, on John earl of Bretagne; who, raising a fresh army, marched against the Scots, and defeated them about November 11. So Robert Bruce was forced to fly into the Isle of Arran. Chron. de Lanerc. Rymer's Fœd. Tom. III. p. 10.

thence

thenceforward to deſpiſe the Engliſh, and forget their paſt loſſes.

Edward marches againſt Scotland, Buchanan.

How little inclination ſoever Edward had for war, he could not avoid endeavouring to ſtop the progreſs of the king of Scotland. In 1308, that is, in the ſecond year of his reign, he led in perſon a powerful army into that kingdom. But as he had taken no care for proviſions, depending upon what he expected to find in the enemy's country, he was obliged to march back his army into England for want of ſubſiſtence.

and returns without doing any thing.

Robert, more provident than he, had carried away, or deſtroyed whatever might ſerve to maintain the enemies troops. Edward's retreat gave the king of Scotland an opportunity to become maſter of ſeveral places in poſſeſſion of the Engliſh, and to make that year a very proſperous campain. The troubles which afterwards happened in England on account of Gaveſton, enabled that prince to make a ſtill greater progreſs.

Robert makes great progreſs. Buchanan. Chron. Lanerc.

In 1310 and 1311, he entered England twice, and carried off a great booty. In 1312 he recovered Perth, Laneric, Dumfries, Roxborough; and laſtly, Edinborough caſtle, which was taken by ſtorm by the earl of Murray his general. This year the Iſle of Man voluntarily ſubmitted to him.

Whilſt Robert continued his conqueſts, Edward, wholly employed in ſeeking means to be revenged on the barons, for putting Gaveſton to death, was ſurpriſingly negligent with regard to Scotland. Inſtead of haſtening an agreement with the lords, in order to unite all his forces, he prolonged the negotiation, by a policy very pernicious to the affairs of the ſtate. Mean time, Robert took advantage of the negligence of the Engliſh. After making himſelf maſter of all the places Edward I. poſſeſſed in Scotland, except Sterling, he ſent, in 1313, his brother Edward to beſiege that town, the ſtrongeſt then in Scotland. The ſiege was carried on very vigorouſly; but the beſieged made as brave a defence. However, [Philip] Mowbray, the governor of the place, finding his maſter made no preparations to relieve him, thought to do him good ſervice in ſigning a capitulation, whereby he promiſed to ſurrender the town in a year, if it were not relieved by that time.

Robert beſieges Sterling. Act. Pub. III. p. 481. The town capitulates. Buchanan.

1314. Edward levies an army of a hundred thouſand men. Walſing. Trokelow.

Edward having ſufficient time to prepare, and deſiring at any rate to prevent the loſs of ſo important a place, ſummoned all his vaſſals to meet him with their troops. The Engliſh, Gaſcons, and Welſh, were ſo ready to obey him, that by June 1314, he ſaw himſelf at the head of a hundred thouſand men. The ſoldiers already devoured in their imagination, whatever the former ravages of Edward I. had left

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in Scotland. Only the earls of Lancaſter, Arundel, Hereford, and the new earl of Warwick, refuſed, on this occaſion, to ſerve the king, their miſtruſt of him not permitting them to put themſelves in his power.

This numerous army entering Scotland, advanced within view of Sterling. Robert expected them at the head of thirty thouſand men, inured to the fatigues of war, and who had frequently worſted the Engliſh. He drew up his army on an advantagious ground, where he could not be ſurrounded. A mountain full of inacceſſible rocks, covered one of his flanks, and the other was ſecured by a deep moraſs. How great ſoever the inequality of theſe two armies might be, the Scots being determined to conquer or die, received their enemies with that vigor and reſolution, that they ſoon put this numerous army into confuſion. The Engliſh horſe being preſſed at firſt, with a fury they could not withſtand, were the occaſion by their flight, of the defeat of the whole army, a defeat the moſt terrible England had ever endured ſince the beginning of the monarchy [y]. The Scotch writers mount the enemies loſs to fifty thouſand men. They pretend, the number of the priſoners taken on this occaſion exceeded that of the conquerors. The earl of Gloceſter, nephew of Edward II. with many other lords of diſtinction [z], and above ſeven hundred knights, lay dead on the field of battle. The Engliſh reduce the number of the ſlain to ten thouſand. But the conſequences of the action diſcover that their loſs was much greater, ſince from that time they ventured no more to take the field.

The battle of Banockbourn. Buchanan. Walſing. De la M.

The Engliſh are routed.

Hect. Boet. Buchanan.

Walſing.

Edward, with the remains of his army, haſtily retreated, without thinking himſelf out of danger till he was at York, where the diſperſed fugitives came to him [a]. He formed a very conſiderable body, with which he ſhewed a deſire to re-enter the enemies country, and hazard another battle. But the conſternation of his troops was ſo great, that he could

Act. Pub. iii. p. 491.

[y] This battle was fought on the 25th of June 1314, by the river Banockbourn. It is ſaid, that the Scots had digged trenches three foot deep, and as many broad; into which, being covered over with hurdles, and drove full of ſharp ſtakes, the Engliſh horſe fell, and by that means were miſerably ſlaughtered. T. de la Moor.

[z] The lords Robert de Clyfforde, Pagan Typtote, William Mareſcall, Giles de Argenton, Edmund de Maule, &c. There were ſlain and taken priſoners, of earls, barons, baronets, and knights, one hundred and fifty-four in all, according to Walſing. 105. T. de la Moor, p. 594.

[a] Here he held a parliament, which ſat from Auguſt 15, till Michaelmas. In this it was agreed to exchange the lady of Robert Bruce for Humphrey de Bohun earl of Hereford; and the biſhop of Glaſcow, and earl of Marr, were exchanged for other noblemen. Rymer's Fœd. tom. iii. p. 487.

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not prevail with them to endeavour to retrieve their honour. This battle, called the Battle of Banockbourn, procured the Scots, beſides an ineſtimable booty, a peace which laſted
Walſingh. ſeveral years. They acquired ſo great a ſuperiority, that the Engliſh, far from being able to recover what they had loſt in Scotland, were long forced to ſee their borders ravaged, without daring to make any reſiſtance. Their terror was ſo great,
Id. p. 106. that one of their hiſtorians affirms, three Scotch ſoldiers were ſufficient to put a hundred Engliſhmen to flight, ſo much were they diſcouraged by this terrible defeat.

An impoſtor pretends to be Edward, and is hanged. Higden. Walſing.

Whilſt fortune ſtrove on all occaſions to humble Edward, an impoſtor, John Deydras, a tanner's ſon of Exeter, ſought to take his crown from him, by maintaining that he was himſelf Edward, and changed at nurſe. So extraordinary and ill-formed a project ſerved only to bring the impoſtor to the gallows, inſtead of a throne. Without doubt he built his hopes upon the little eſteem the Engliſh had for their king, having probably imagined it would not be difficult to make them believe he was not the ſon of Edward I. who had none but noble and generous inclinations. But it was not this vile inſtrument, which providence was pleaſed to uſe, to ruin Edward, though in ſome meaſure this event may be conſidered as a ſort of preſage of what was to happen.

1315. Great famine.

The loſs ſuſtained by the Engliſh in Scotland, was followed by a dreadful famine, which laſted three years, and deſtroyed an infinite number of people. In vain did the parliament endeavour to help it by ſettling the price of proviſions: they were forced the next year to revoke the act that had been paſſed on that account *. But neither war nor famine, nor the murmurs of the people, could hinder the king from expending a large ſum in celebrating the funeral of his favourite, whoſe body was removed to King's Langley in Hertfordſhire. He would honour the funeral with his preſence, attended by the archbiſhop of Canterbury, and ſome other biſhops. But the barons poſitively refuſed to aſſiſt at

Walſing. p. 106.

* It was enacted and proclaimed, by order of the parliament, which met on January the 20th, That the beſt ox not fed with grain, ſhould be ſold for fifteen ſhillings and no more; and if he were fed with corn, then for twenty four ſhillings; the beſt fat cow for twelve ſhillings; a fat hog of two years old for three ſhillings and four-pence; a fat wether, ſe mutton unſhorn, for twenty-pence, and ſhorn for fourteen pence; a fat goſe for two-pence half-penny; a fat capon for two-pence; a fat hen for one penny; two chickens for one penny; and twenty four eggs for one penny; and thoſe that would not ſell their things ſo, were to forfeit them to the king.——This parliament granted the king a twentieth part of their goods; which, when it came to be raiſed, occaſioned diſturbances in Staffordſhire and Shropſhire.

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the obſequies of a man ſo odious to them, and whom they deemed unworthy of the honour done to his memory.

Mean time the famine raged in ſo terrible a manner that one can hardly credit what hiſtorians ſay of it [c]. They are not content with telling us, that the moſt loathed animals were uſed for food, but what is much more horrible, people were forced to hide their children with all imaginable care, to prevent their being ſtolen and eaten by thieves. They aſſure us that men themſelves took precautions to hinder their being murdered in private places, knowing there were but too many inſtances that ſome had been ſerved in that manner, to feed ſuch as could find no other ſubſiſtence. We are told likewiſe, that the priſoners in the gaols devoured one another in a barbarous manner, the extreme ſcarcity of proviſions not permitting their being allowed neceſſary food. The bloody flux, cauſed by groſs feeding, compleated the miſery of the Engliſh. Such numbers died every day, that hardly could the living ſuffice to bury the dead. The only remedy that could be found againſt the famine, but which was inſufficient, was to prohibit on pain of death, the brewing any beer, that the corn uſually expended that way, might ſerve to make bread [d].

1316. The famine increaſes. Walſing.

Notwithſtanding theſe calamities, which ſhould have turned their thoughts to repentance, the mutual enmity which the king and the barons had long harboured in their breaſts, daily increaſed. It was impoſſible but this violent hatred ſhould in the end produce very fatal effects. Edward, not forgetting the injuries he had received, entertained a ſtrong deſire of revenge, which made him ſeek all poſſible means to gratify it. He was chiefly exaſperated againſt the earl of Lancaſter, whom he looked upon as the ſole author of his diſgraces, and his moſt dangerous enemy. Had the earl's life been in his power, he would not probably have ſpared it.

1317. Injury done the earl of Lancaſter.

[c] A quarter of wheat, beans, or peaſe, was ſold for twenty ſhillings; of malt for thirteen ſhillings and fourpence; and of ſalt for thirty five ſhillings. Walſing.

[d] January 28, a parliament was held at Lincoln, which granted the king, in aid of his war with Scotland, one ſtout footman out of every town in the kingdom, except cities and burghs, and the king's demeſnes; which footmen were to be armed and furniſhed with bows, arrows, ſlings, lances, &c. at the charge of the towns, and other expences to be paid, till they came at the place of rendezvous, and then wages for forty days after and no longer, if the king's ſervice required it, at fourpence a day; the king promiſing, that this grant ſhould be no precedent for the future. Rymer's Fœd. tom. iii. p. 742. The ſame day, the king ſummoned the militia to be at Newcaſtle upon Tine fifteen days after Midſummer. And the parliament granted the king in this war, a fifteenth part of all the moveables. Rot. Parl. 9 Edw. 2. N. 1. Walſing. p. 107. There was another parliament after Eaſter. Id. p. 108.—This year was born at Eltham, Auguſt 25, John, the king's ſecond ſon. Ib.

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But as his diſſimulation had not been capable of drawing him into any ſnare, finding he could not reach his perſon, he attempted to deprive him of his eſtate and honour. To that purpoſe he involved him in an affair which the greateſt miſtruſt could not have prevented.

His wife is taken away and given to another. Walſing.

Whilſt the earl kept at a diſtance from court, a certain knight, called Sir Richard St. Martin, a man of a mean look, and dwarfiſh ſtature, preſented to the judges a petition, claiming the wife of the earl of Lancaſter, heireſs of the families of Lincoln and Saliſbury [c]. He ſet forth in his petition, that he had carnally known her, and that ſhe had made him a promiſe of marriage, before ſhe was contracted to the earl. The counteſs, diſſatisfied with her huſband, having, to her eternal ſhame, confeſſed the fact, was adjudged, with all her eſtate, to the unworthy claimant. This affair, which would have required a long examination, was ſo haſtily decided, that it was eaſy to ſee the judges were gained before-hand, and the king himſelf had been a promoter of the proceſs. An injury of this nature to a prince of the blood royal, greatly beloved by the people, raiſed an extreme indignation againſt the king. Nothing was every where heard but murmurings againſt his government. As he had then no favourite to bear the blame, it was all caſt on himſelf, and people ſaid publicly, never was the throne of England filled by a prince ſo unworthy to rule a free nation. There were even ſome who took the liberty to upbraid him to his face for his ill conduct. Upon a certain holiday, Edward dining in public in Weſtminſter-hall, a woman in a maſk came on horſeback and delivered him a letter. The king imagining it contained ſomething to divert him, ordered it to be read aloud. But he was much ſurpriſed to hear outragious reproaches for his cowardice, tyranny, and all the grievances introduced in his reign. The woman being apprehended, confeſſed ſhe was bribed by a certain knight to play that part; and the knight boldly maintained, That believing the king would read the letter in private, he thought it the propereſt way to let him know the complaints of his ſubjects.

Murmurings againſt the king.

His conduct tipped up in a letter. Walſing.

1318. The barons complain of ſeveral grievances.

Whilſt England was reduced to extreme deſolation, Edward, without troubling himſelf about the ravages, the Scots continued to make on the borders, minded only how to humble the barons, who began to form new projects, the conſequences whereof he had reaſon to fear. They had lately preſented to him a petition, containing a long liſt of griev-

[c] The hiſtorian ſpeaks, as if that ill favoured knight had ſtolen her away.

ances,

ances, of which they demanded a ſpeedy redreſs. Nothing was farther from his thoughts than to reform abuſes. However, as he durſt not openly diſcover his intentions, he had referred the matter to the parliament which was to meet at Lincoln. A Scotiſh invaſion at the ſame time afforded him an excuſe to prorogue the parliament ſeveral times, and at length to diſſolve it. This proceeding ſo incenſed the barons, that with one conſent they reſolved to take up arms, to obtain by force the ſatisfaction they required. They would have doubtleſs extremely diſtreſſed this weak prince, uncapable of governing himſelf at ſo nice a juncture, if ſome lords of more moderation had not joined with the pope's legate, to promote a reconciliation. Theſe mediators obtained of the king, that for the ſatisfaction of the confederate barons he ſhould admit a certain number of them into his council, and promiſe to do nothing without their advice. The earl of Lancaſter was to be one: but as he could not truſt the king, it was agreed he ſhould nominate a baron or knight to ſupply his place [f]. Moreover, Edward promiſed to grant a pardon, without any reſtrictions, to the earl of Lancaſter, for all that was paſſed. This agreement was made and ſigned at Leek, on the 9th of Auguſt 1318, and confirmed three days after by the parliament, called upon the preſſing inſtances of the mediators. After this affair was ended, the king and the earl of Lancaſter meeting on a plain near Leiceſter, embraced and kiſſed one another in token of a perfect reconciliation. Let us now return to the war with Scotland, which ſtill continued during the troubles in England.

Walſing. Act. Pub. iii. p. 696, 712.

He calls and diſſolves a parliament.

Agreement between the king and the barons. Walſingh. De la Moor.

Act. Pub. iii. p. 722, 733.

After Robert's obtaining near Sterling that ſignal victory which proved ſo fatal to the Engliſh, he purſued the vanquiſhed into England, where he committed prodigious ravages, whilſt Edward durſt not ſtir from York to oppoſe him. The king of Scotland, not ſatisfied with this advantage, projected the conqueſt of Ireland. This iſland had long been governed by Engliſh officers, who were more careful to enrich themſelves than to promote the public good. Their arbitrary proceedings had bred among the Iriſh ſo great and univerſal a diſcontent, that they wanted only a favourable opportunity to revolt. The defeat of the Engliſh army before Sterling, giving them reaſon to believe, the preſent juncture was very

The king of Scotland ravages England.

Has a deſign upon Ireland Walſing. Ch. Lanerc.

[f] Walſingham ſays, that a knight was taken near Pontefract, with a blank charter under the king's great ſeal, and other letters under his privy-ſeal, offering the king of Scots what conditions he pleaſed, provided he would procure the death of the earl of Lancaſter. This knight was brought to the earl, who ordered him to be hanged, p. 110.

proper to execute their deſign, they ſent word to the king of Scotland, that they were ready to caſt off the Engliſh yoke, provided he would give them aſſiſtance. Robert took care not to loſe ſo fair an opportunity to become maſter of the iſland, or at leaſt to make there a powerful diverſion. He ſent thither ſome troops under the command of his brother Edward, who heading the rebels, conquered the beſt part of the iſland, and was even acknowledged for king. Whilſt he was carrying on his conqueſts, Robert amuſed the king of England with propoſals of peace, which he ſeemed to do with ſincerity, but artfully raiſed from time to time difficulties, which hindered matters from being concluded. This proceeding laſted till 1317, without Edward's perceiving his enemy's artifices. His little penetration would even have made him entirely loſe Ireland, had he not been rouzed by the murmurs of the people. The prejudice England might receive by the loſs of that iſland was ſo manifeſt, and the conſequences ſo plainly laid before him, that at length he reſolved to ſend thither a powerful ſupply, under the conduct of Mortimer. With this aid the Engliſh that were in Ireland, finding themſelves able to take the field, marched to attack the Scotch prince. Mean while, the king of Scotland, receiving intelligence how much his brother ſtood in need of a ſpeedy relief, went himſelf into Ireland. But upon his arrival, he heard his brother was defeated and ſlain in a battle wherein he had raſhly engaged [t]. Robert's loſs on that occaſion breaking all his meaſures, and diſabling him from continuing the war in that country, he thought it more proper to go and improve the advantages lately gained by his arms in Scotland. In his abſence, Douglas, one of his generals, had defeated the army ſent by Edward, to take advantage of Robert's being in Ireland.

He ſends Edward his brother thither. Act. Pub. iii. p. 596. Walſing.

Who is defeated and ſlain. Walſing.

This freſh victory, which put it out of the power of the Engliſh to withſtand the Scots, inſpired Robert with the thoughts of improving it, by laying ſiege to Berwick, which was ſtill in the hands of the Engliſh. He could not make his preparations without Edward's knowledge. But his knowing it was to little purpoſe, ſince he had neither money nor troops ſufficient to prevent his enemy's deſigns. His ſubjects were ſo averſe to him, that he could not expect to procure either a timely or powerful aid. And ſuppoſing he could have expected it, he plainly ſaw the parliament would make

The king of Scotland prepares to beſiege Berwick.

[t] He was taken and beheaded at Dundalk; and five thouſand eight hundred Scots were ſlain, beſides ſeveral noblemen. The archbiſhop of Dublin was general of the Engliſh forces. Walſing.

him

him pay dear for the ſubſidy they ſhould grant [h]. In this extremity he turned to the pope, and earneſtly intreated him to interpoſe his authority, to procure him a peace, or at leaſt a truce with Scotland. John XXII. who had lately ſucceeded Clement V. immediately granted Edward's requeſt. He looked upon this as a very favourable opportunity, to extend his power over crowned heads. Accordingly he took upon him to make peace between Edward and Robert, not as a mediator, but as ſovereign arbiter, and by virtue of his apoſtolical authority. To that end, he ſent two legates into England, with a power, which ſhewed that he thought himſelf inveſted with ſovereign authority over all kings, even in temporal affairs. Their commiſſion ran, that they were to make peace between the two contending nations in what manner they pleaſed, and to compel both princes to accept it, on pain of excommunication, and an interdict upon their dominions. But as he judged ſuch a peace could not be made without ſome debate, which would take up time, he ordered his legates to publiſh a two years truce in his name, and by his authority; and gave them power to excommunicate thoſe that refuſed to obſerve it.

1319. Edward applies to the pope, Walſing. Ch. Lanerc. who pretends to force Robert to make peace. De la M. Act. Pub. iii. p. 594, 611, 613, 620, 655. 657, 707.

The legates, furniſhed with ſo large and extraordinary a power, came into England, and immediately cauſed the truce to be proclaimed. Edward paid an implicit obedience to it, not conſidering he thereby ſacrificed to the court of Rome the moſt authentic prerogatives of the crown. It was not the ſame with Robert. Under pretence that the pope and his legates gave him not the title of king, he would never permit the legates to enter Scotland, much leſs to proclaim the truce there. He even treated very roughly the ſuperior of the Cordeliers of Berwick, ſent to him by the legates, who uſing ſurpriſe, was ſo bold as to publiſh the truce in the preſence of ſeveral Scots. Inſtead therefore of obeying the pope, he beſieged and took Berwick by the treachery of the governor [i], if the Engliſh are to be credited. The contempt for the pope's orders, obliged the legates to excommunicate him, and put his kingdom under an interdict. But he did not much regard a cenſure ſo manifeſtly unjuſt to him, and ſo

His legates publiſh a truce. Act. Pub. iii. p. 798. Robert beſieges Berwick. Walſing. He is excommunicated. Act. Pub. iii.

[h] This year a parliament was held at Leiceſter on June 25, wherein the king granted, that the ordinances made by the Lords Ordainers ſhould be obſerved. There was another parliament at London, about Michaelmas, in which it was ordained, that every city and town in England ſhould find ſo many men to aſſiſt the king againſt the Scots; London maintained two hundred; Canterbury, forty; St. Alban's, ten, &c. Walſing. p. 111.

[i] Peter Spalding, who it ſeems was afterwards hanged by king Robert. Walſing.

very partial to the Engliſh. Therefore, continuing his progreſs, he advanced on the borders of England, and committed great ravages, without meeting any oppoſition [k].

Edward beſieges Berwick. Ch. Lanerc. Walſing.

Edward found then, that the ſpiritual weapons of the pope were but of little ſervice. So, on a ſudden altering his conduct, he found means to raiſe an army, with which he would go and attempt the recovery of Berwick. Whilſt he was employed in the ſiege, the earl of Murray, the king of Scotland's general, made a diverſion in England, which proved very fatal to the borderers. In his return from ravaging ſeveral counties, he met a body of Engliſh militia to the number of ten thouſand, with the archbiſhop of York at their head. Though his forces were not near ſo numerous as thoſe of his enemies, he couragiouſly charged them, and obtained over theſe undiſciplined troops a victory which deſtroyed above half. The Scots called this action The White Battle, from ſome Engliſh prieſts being killed in the fight with their ſurplices on. This accident obliged Edward to raiſe the ſiege of Berwick. Shortly after, with much ſollicitation, he obtained a truce for two years; whereupon he left the North, and returned to London, where he was no leſs unfortunate.

The militia of Yorkſhire defeated.

A truce for two years. Act. Pub. iii. p. 809. Walſing.

Promotion of the Spencers, father and ſon.

The truce reſtored not to England the expected tranquillity: hardly was it proclaimed, before the kingdom was involved in freſh troubles, much more violent than thoſe cauſed by Gaveſton. The enmity between the king and the barons was ſtill kept alive, like fire under cinders, and only wanted a freſh occaſion to rekindle. Unhappily, an occaſion was but too ready [l]. The lords, ever jealous of thoſe about the king's perſon, had introduced into court a young gentleman, Hugh Spencer, whom they believed entirely devoted to their intereſts. They had procured him the office of chamberlain, with a deſign to make uſe of him as a ſpy, in order to be informed of what paſſed at court, where they ſeldom appeared: but

[k] They took the caſtles of Wenk, Harbottle, and Middeford; and plundered and burnt North-Allerton, Burroughbrig, Scarburgh, Skipton, &c. Chron. Lanerc. Walſing.

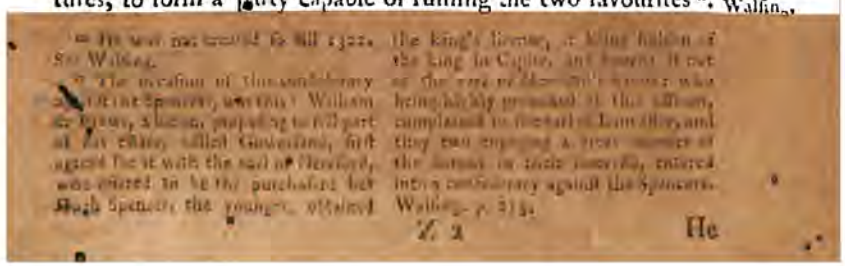
[l] The king called a great council at Northampton on Auguſt 1. wherein it was agreed, that a ſtanding council of certain biſhops, earls, and barons ſhould conſtantly remain with the king to adviſe him in all matters of public concern, till the next parliament. This council was to conſiſt of the biſhops of Norwich, Chicheſter, Ely, Saliſbury, St. David's, Carliſle, Hereford, and Worceſter; the earls of Pembroke, Richmond, Hereford, and Arundel; Sir Hugh de Courtney, Sir Roger de Mortimer, Sir John de Segrave, Sir John de Grey, and one of the bannerets of the earl of Lancaſter. See Rymer's Fœd. tom. iii. p. 922, &c. The parliament here mentioned met at York, three weeks after Michaelmas. See Brady's App. No 61. There was another parliament this year ſoon after Eaſter, in which the clergy granted the king a tenth for one year, with the pope's leave. A. Murymu.

their

Their project turned againſt themſelves. Spencer had a father named Hugh as well as himſelf, a perſon of courage and good ſenſe, who gave him quite contrary inſtructions. He intimated to him, it would be much more eaſy to make his fortune by labouring directly for himſelf, than by ſerving the barons; and with a little patience and obſequiouſneſs, he might render himſelf ſuperior to thoſe, whom he looked upon as his protectors. Spencer the ſon, being inclined to follow this advice, found at firſt great difficulties. The king could not behold with a good eye, a domeſtic who had already ſhown too great an inclination for his enemies. Nevertheleſs in time, and by the prudent counſels of his father, Spencer removed by degrees, the ill impreſſions his maſter had taken againſt him. As his deſign was to govern the king entirely, he ſcrupled not to become for ſome time his ſlave, by ſhowing on all occaſions, that he was wholly devoted to him. By this blind obſequiouſneſs, and by a general compliance to whatever was agreeable to him, from his ſpy, he became his confident, and at length ſupplied in his heart the place formerly poſſeſſed by Gaveſton. When he ſaw himſelf in high favour, he made an ill uſe of it, like his predeceſſors; and by his exceſſive pride and inſatiable avarice, made it ſoon wiſhed, that Gaveſton had not been oppreſſed. Hugh his father, whom he had cauſed to be created earl of Wincheſter [m], had been till then of a quite different character. Nothing could be laid to his charge unbecoming a man of honour and honeſty. In all the poſts he had been promoted to, by this and the late king, he had always behaved with great moderation, prudence, and impartiality: but he knew not how to preſerve the reputation he had acquired. A blind fondneſs for his ſon, and ambition, which had ſeized him in his old age, threw him into thoſe exceſſes, which rendered both him and his ſon odious to the nation, and particularly to the barons. It was not long before an univerſal diſcontent became viſible. The earl of Lancaſter, a great favourite of the people, and a ſworn enemy to the king, notwithſtanding their ou ward reconciliation, had improved theſe junctures, to form a party capable of ruining the two favourites [n].

De la M. Spencer, the father, made earl of Wincheſter. His character.

Lancaſter ſtirs up the lords againſt the Spencers. Walſing.



He

He had demonſtrated to his friends, "That their ruin and his "own were infallible, if means were not found to remove "the Spencers from court. That the king, who harboured "a ſecret deſire of revenge, was indeed incapable of managing a deſign; but that every thing was to be feared from "that prince, aſſiſted by his two new miniſters, of much "greater abilities than Gaveſton. He added, theſe miniſters "were no leſs guilty than the other, of divers encroachments on the privileges of the people; and that all the endeavours hitherto uſed, to reduce the royal authority within due bounds, would be fruitleſs, if the king was ſuffered "to return to his former courſes, and trample upon the liberties of the ſubject." Theſe reaſons, alledged by a prince, who paſſed for a diſintereſted and zealous aſſerter of the public good, and joined to the envy raiſed by the advancement of the Spencers, cauſed ſo ſudden an effect, that the old aſſociation was renewed. As the confederate barons [o] had every thing to fear from the abilities of the miniſters, they loſt no time, which was ſo precious, in preſenting to the king petitions, as they had done concerning Gaveſton. Such a conduct would only have given their enemies leiſure to prepare: and therefore, without diſcovering their intentions, they reſolved to levy troops with all poſſible ſecrecy, and to ſurprize the king and his favorites, before they had time to take any meaſures. The deſign was executed with that expedition, that in a very ſhort ſpace, they drew together eleven thouſand men, with whom they ventured to take the field. Their firſt exploit was to plunder the lands of the Spencers, which was left to the care of Roger Mortimer the Younger, ſo called to diſtinguiſh him from his uncle of the ſame name. He diſcharged his commiſſion in ſo violent a manner, and with ſo little regard for the favorites, that he did them in a few days threeſcore thouſand pound damage. This done, the barons ſent ſome of their body [p] to preſent a petition to the king, deſiring the removal of the Spencers [q]. Edward perceiving it was not in his power to curb their boldneſs, referred the matter to the parliament. He did not queſtion, but he ſhould have intereſt enough with the commons, to protect the two miniſters: but the barons reſolution to continue in

1320. They renew their league, and take up arms. Act. Pub. iii. p. 878. Walſing. Knighton.

Ibid.

Ibid.

[o] Who theſe confederate barons were, ſee [illegible] tom. iii. p. 828. [illegible] of their commiſſary in Tyrrel and Brady, p. [illegible].

[p] [illegible] the biſhops of London, [illegible] Ely, Hereford, and Chicheſter, who were ſent to the confederate barons at St. Albans to procure an accommodation. Walſing.

[q] What articles were exhibited againſt them in this petition, ſee in Tyrrel and Brady, they being too long to be inſerted here.

arms,

arms, broke all his measures. Several members of parliament being at the devotion of the lords, others awed by the army, and all in general having too little value for the Spencers to run any hazard for their sake, the two favorites were banished the realm, without the king being able to screen them. This parliament was called, The Parliament of the white Bands, on account of certain white marks, by which the adherents of the barons were to know one another. Whatever endeavours the king used to oppose these violent proceedings, he found himself forced to give way to a torrent, which he could not withstand. Spencer, the father, being then out of the realm upon the king's affairs, the son was ignominiously conducted to Dover, where he was shipped off with great threats, if ever he pretended to set foot in the kingdom again.

The Spencers banished. Act. Pub. iii. p. 831.

Edward highly resented the affront, and swore to be revenged: but perhaps means would have been found to appease him, if the queen, who on the like occasions used to act the mediatrix between the king and the barons, had not ceased doing them that good office. Instead of endeavouring to asswage the king's anger, she took care to excite him to vengeance, being provoked at an affront she lately received from a baron, and of whom she cast the blame upon the whole party. The occasion of her resentment was this: 1321. Walsing.

Affront done the queen by one of the confederate barons. De la M.

Whilst Edward was thus incensed against the barons, Isabella, designing to go in pilgrimage to Canterbury, sent some of her domestics before, to provide lodgings in Ledes castle, belonging to Bartholomew de Badlesmere, one of the associated barons. As the whole party were then in extreme distrust of the king, the officer who commanded in the castle, denied the queen's people admittance: there was even one of them killed. So far was Badlesmere from disclaiming what was done, upon complaint made to him, that he had the boldness to write to the queen a very insolent letter, expressly approving of what had passed. It was very difficult for that princess, who was haughty and revengeful, not to resent such an affront. As she plainly saw the union of the barons was the sole cause of Badlesmere's insolence, she thought the readiest way to revenge, would be to break their association. The king waited patiently for a favourable opportunity to exercise his vengeance; but a woman's revenge can bear no delay. The queen, in her resolution of spurring on Edward, persuaded him, that the present juncture was very favourable to free himself from the power of the barons: that by immediately punishing the governor of Ledes as he deserved, he

Act. Pub. iii. p. 897. Walsing.

She stirs up the king to a revenge.

The king issues a proclamation. Act. Pub. iii. p. 893.

would ſtrike ſuch a terrour into the barons, that they would not think even of ſtanding upon their defence, when they ſhould ſee him ſword in hand, and able to compel them to return to their allegiance. Edward reliſhing this advice, gave orders for levying troops. But for fear of any obſtacle, and in order to remove the people's apprehenſions, who began to be alarmed at theſe levies, he iſſued out a proclamation, proteſting, he did not take up arms againſt his ſubjects, but only to puniſh the inſolence of a private perſon. The proclamation producing a good effect among the people, and the barons not thinking they ſhould engage the kingdom in a civil war for the ſake of a ſingle officer, the king raiſed an army without oppoſition. When his troops were ready to march, he went immediately and beſieged Ledes-caſtle, and taking it, ordered the governor[r], with ſome other inferior officers, to be hanged. This ſucceſs cauſing him to forget his proteſtation, he made uſe of his arms to take vengeance on his enemies. To that end, he beſieged ſome other caſtles belonging to the barons, and particularly Warwick, which he became maſter of with the ſame eaſe. When he thought himſelf ſufficiently formidable, he recalled Spencer the ſon, who ſince his baniſhment had turned pyrate, particularly againſt the Engliſh.

He levies troops, and takes the caſtle of Ledes.

He recalls Spencer. Act. Pub. iii. p. 907.

Edward continuing his progreſs, after the return of his favorite, put the aſſociated barons into the utmoſt conſternation, who were not prepared for their defence. They would have been glad, on this occaſion, of the queen's aſſiſtance: but ſhe was too much incenſed againſt them to ſtand their friend. In this ill ſituation, they ſaw themſelves expoſed to the fury of their enemies, who ſpared them not. Mean while the king, by his ſole authority, revoked the ſentence of baniſhment againſt the Spencers, and recalled the father, as he had already done the ſon. The king's diligence ſo embaraſſed the barons, that they knew not what courſe to take. His army was in the center of the kingdom, ready to attack the boldeſt. The people, as it uſually happens on ſuch occaſions, joined with the ſtrongeſt, for fear of being oppreſſed before the barons were able to protect them. In this extremity, moſt of the aſſociated barons wiſely choſe to throw themſelves upon the king's mercy. As for thoſe who refuſed to follow their example, many were taken and executed, ſome fled for refuge beyond ſea and others were ſhut up in ſeveral priſons. Among the priſoners was Roger Mortimer, junior, whom the Spencers cloſely confined in the Tower, but who doubtleſs would not

The barons in a wretched condition. Ibid.

Spencer the father recalled. Act. Pub. iii. p. 907.

Several barons ſubmit, others are puniſhed. Act. Pub. iii. p. 927. Walſing.

Mortimer impriſoned. Walſing.

Knighton,

[r] Thomas Culpeper. Walſing.

have

have met with ſo favorable a treatment, had not his life been ſaved by a powerful interceſſion.

The earl of Lancaſter's faction being extremely weakened by the defection, flight, impriſonment, or death of his adherents, the earl, with what few troops he could aſſemble, ſaw himſelf conſtrained to retire into the North. He had nothing to depend upon but the protection of the Scots, who promiſed him ſuccours; but he was obliged to go and join them. The rout he took, and ſome intercepted letters, diſcovered his intention to the king. To prevent it, he ordered Sir Andrew Harcla, governor of Carliſle, to draw together what troops he could, and obſtruct the earl's paſſage, or at leaſt to amuſe him whilſt he ſhould follow him in perſon with his army. However expeditious the earl of Lancaſter was, and whatever care he took to retard the king's march, by deſtroying the country behind him, he was obliged, after paſſing the Trent over Burton-bridge, to hault, in order to oppoſe the paſſage of the army which purſued him. But Edward retiring, to paſs at another place, the earl reſolved to ſtand his ground. Nevertheleſs, whether through ſcruple, or fear of the king's ſuperior forces, he ſuddenly altered his mind. In hopes of freeing himſelf from theſe ſtreights, he advanced to Burrow-bridge, where ran another river, which afforded no other paſſage but over a bridge defended by Harcla. In this extremity, he was under a neceſſity either of fighting the king, who cloſely purſued him, or of attempting to force the paſs, before the royal army came up[s]. He choſe the latter, and, without loſs of time, ordered the bridge to be attacked. The vigorous reſiſtance of the enemy, the death of the earl of Hereford[t], ſlain in the beginning of the fight, and the dread of being ſurprized by the king, who was advancing, ſo daunted Lancaſter's troops, that inſtead of continuing the attack, they took to flight, and diſperſed themſelves in the country. Harcla, perceiving the diſorder, ſpeedily paſſed the bridge, and purſued the runaways, of whom he took great numbers priſoners. The earl of Lancaſter, who endeavoured in vain to rally his men, ſtaying too long in hopes of ſucceeding, could not avoid the misfortune of being taken himſelf, with ninety-five knights, and conducted to the caſtle of Pontefract. This unfortunate prince ſaw himſelf expoſed to the inſults of the ſoldiers, who in deri-

1322. Lancaſter goes towards Scotland. Walſing.

Is purſued by the king. Act. Pub. iii. p. 927, &c.

Lancaſter attacks a bridge defended by Harcla. Knighton. Walſing.

He is taken priſoner, De la M. Walſing.

[s] Robert de Holande had promiſed to bring him a reinforcement, but diſappointed him, which was the cauſe of his defeat. Knighton.

[t] Humphry de Bohun, who married Elizabeth, daughter of Edward I. and widow of the earl of Holland. He is ſaid to be thruſt through the belly by a Welſh ſoldier from under the bridge through a chink. Knighton.

ſion called him King Arthur, from his uſing that name in the intercepted letters. But this was not the moſt rigorous part of his puniſhment. A few days after, the king being come to Pontefract, ordered him to be arraigned in the hall of the caſtle, before a ſmall number of peers [u] who attended him, among whom were the two Spencers. By this little aſſembly was the earl condemned to be drawn, hanged, and quartered for a traitor. But out of regard to his birth, the king was pleaſed to ſave him the infamy of that puniſhment, and only ordered him to be beheaded [w]. Nine other lords of his party were ſentenced to the ſame puniſhment, and executed at York. The lord Badleſmere, the author of the war, and four other barons, ſuffered the like death at London, Windſor, Canterbury, and Gloceſter, for a terror to the kingdom. Never ſince the Norman conqueſt, had the ſcaffolds been drenched with ſo much Engliſh blood, as upon this occaſion [x]. Theſe inhuman proceedings were aſcribed to the Spencers, who thereby rendered themſelves extremely odious to all, and bred in the hearts of the nobility a deſire of revenge, which was but too fully ſatisfied in the end [y].

Act. Pub. iii. p. 936, &c.

and beheaded.

Id. p. 936. Walſing.

Badleſmere and others are executed.

The Spencers become odious.

1323. Edward's expedition into Scotland. Buchanan. Walſing. Knighton. De la M.

Edward imagined, that this ſucceſs againſt his ſubjects, could not but render him formidable to the Scots. In this belief, he reſolved to march towards Scotland, big with the expectation of ſurprizing Robert, and repairing all his former loſſes. Whilſt he was in his own territories, he had plenty of proviſions, every own ſtriving to ſupply his army, more out of fear than affection. But prepoſterouſly thinking he ſhould find the ſame conveniences in the enemy's country, he was ſuddenly in a terrible want. So inſtead of advancing, he was forced to return in haſte, as he had done once before, neither being the wiſer by that experience. But this was not all the diſhonour he received from the ill concerted expedi-

Is obliged to retire.

tion.

[u] The earls of Kent, Richmond, Pembroke, Surrey, Arundel, Athol, Angus, &c. the Monday before March 24. Rymer's Fœd. tom. iii. p. 940.

[w] As he accordingly was, upon a hill near Pontefract, March 25. Chron. Eveſh.

[x] Hiſtorians have given us the following liſt of the names of the barons that were put to death. The earl of Lancaſter, the lords Warren de Liſle, William Tyrrel, Thomas Mandute, Henry de Beaubarn, William Fitz-William junior, William Cheney, at Pontefract; Roger Clifford, John Mowbray, Joſeline D'eyvill, at York; John Giffard, at Gloceſter; Henry Teyes, at London; Francis de Aldenham, at Windſor; Bartholomew de Badleſmere, and Bartholomew de Aſſiburnham, at Canterbury. Threeſcore and twelve knights (beſides thoſe hanged in chains) were ſhut up in priſon, who upon fines paid, were afterwards ſet at liberty, ſays De la More. Walſing. Knighton.

[y] A parliament was held at York this year, three weeks after Eaſter, wherein the proceſs againſt the two Spencers for their baniſhment, was revoked. And a tenth part was granted to the king of the goods of the lords and commons of the kingdom, and a fifth part of thoſe belonging to the cities, boroughs, and antient demeſnes. Brady.

tion. Hardly had he begun to return into his own dominions, when Robert cloſely purſued him, and overtaking him at Black-more, eaſed him of his baggage, and had like to have taken him priſoner. The Engliſh army being diſperſed, Robert continued his march, ravaging the country with fire and ſword to the very walls of York [z]. At laſt, having burnt the monaſtery of Rippon and ranſacked the abbey of Beverly, he returned home loaded with booty. Whatever reaſon that prince had to expect great advantages from the war, he entered into negotiation for a truce, which at length was concluded on the 13th of May 1324, for thirteen years. He conſented the more readily to the truce, as he was forced to give ſome reſpite to his ſubjects exhauſted by ſo long a war. Beſides, he hoped by that means to be reconciled to the court of Rome, having received intimation, that his abſolution, and the removal of the interdict, depended upon his compliance.

Is purſued by Robert, who ravages England. Act. Pub. iii. p. 930.

Truce of thirteen years. Act. Pub. III. p. 983. 1022. Walſingh.

The ſubmiſſion of the Engliſh, and the long truce with Scotland, placed Edward in a ſituation moſt agreeable to his temper. He had nothing to divert him from his pleaſures, enjoyed a peaceable kingdom, and could leave the government to his favorites, without fear of being controlled by his ſubjects. This was a happineſs he could not attain till this year, being the ſixteenth of his reign. However, his ſatisfaction was ſometimes diſturbed by the remembrance of things paſt. The death of the earl of Lancaſter, of which he began to repent, now and then ſtung him with remorſe. This manifeſtly appears, in his anſwer to certain lords petitioning him to pardon a condemned criminal [a]. "Is it poſſible, "cried he, that ſuch a wretch as this ſhould find ſo many "friends to intercede for him, when not one would ſpeak in "behalf of my couſin of Lancaſter, who, if he had lived, "might have been uſeful both to me and the whole king-"dom? therefore, as for this fellow, he ſhall die as he de-"ſerves."

Edward repents of the death of Lancaſter. Walſing. p. 117.

The character of Thomas earl of Lancaſter was not leſs ambiguous than the earl of Leiceſter's, in the reign of Henry III. The king's and the Spencers' adherents called him villain and traitor, one that, having taken up arms againſt his

Uncertainty about the earl of Lancaſter's character.

[z] They took, among the reſt, John de Bretagne earl of Richmond priſoner. Walſingham.

[a] He was one of Lancaſter's family, and ingaged with his lord in the late inſurrection, and being condemned to be hanged, ſome, about the king, becauſe he formerly had a place at court, offered to intercede for him. At which the king falling into a paſſion ſaid as above. Walſ. The words are tranſlated nearer the original than in the French.

ſovereign,

ſovereign, was juſtly condemned. But the people in general had his memory in great veneration, conſidering him as a real martyr for liberty. Immediately after his death, his tomb was flocked to, where many miracles were pretended to be wrought. The king was even obliged, ſtrictly to command the biſhop of London, to put a ſtop to the ſuperſtition of the people of his dioceſe, who came and ſaid their prayers to the earl's picture hung up in St. Paul's church [b]. Probably, the uncertainty concerning the character of this prince would have laſted much longer, if two things had not determined people in his favour. The firſt was, the puniſhment of Harcla, who being made earl of Carliſle, for taking Lancaſter priſoner; incurred the diſpleaſure of the Spencers, and upon a ſuggeſtion of a correſpondence with Scotland, was beheaded [c]. The ſecond was the canonization of Lancaſter in 1389, at the requeſt of Edward III. ſon of him that had taken away his life [d]. After that, there was no room to queſtion the ſincerity of his intentions. At leaſt, it was no longer permitted openly to defame his memory.

Act. Pub. III. p. 1033.

Harcla beheaded. Act. Pub. III. p. 988, 994, 999. Walſing.

Great power of the Spencers.

The death of Lancaſter, and of ſeveral other lords of the ſame party, placed the Spencers on the top of the wheel. As there was no man able to oppoſe them, theſe two miniſters did, in the king's name, whatever they thought agreeable with their intereſts, without regarding a party entirely reduced. Had they been ſo wiſe to moderate their paſſion, and deny themſelves the pleaſure of revenge, they would have doubtleſs ſupported themſelves in their high ſtation, and cauſed their maſter to paſs an eaſy and quiet life. But where are men of this character to be found? The Spencers, to compleat their vengeance, threw the kingdom into greater and more fatal troubles, than what were lately appeaſed. Not content with putting to death the heads of the oppoſite party, with depriving others of their eſtates, and with condemning great numbers to baniſhment, they did not think themſelves

They perſecute their enemies.

[b] He was buried in the church of the priory of Pontfract. The prior and monks giving out that miracles were wrought at his tomb, the report gained ground in ſuch a manner, that the king was forced to order the church to be ſhut up. The king's letter to the biſhop of London on account of his picture which was ſet up in St. Paul's cathedral, and worſhipped by the people, is in vol. III. p. 1033, of Rymer's Fœd.

[c] Before his being beheaded he was degraded of the honour of knighthood; which is the firſt example of this kind. Walſing.

[d] Queen Iſabella writ in 1326, the laſt day of February, to the pope, extolling the virtues of the late earl of Lancaſter, and deſiring his holineſs to canonize him, and king Edward III. permitted a chapel to be built over the place where the earl was beheaded: but his canonization was not compleated till Richard II's reign in 1389. See Brady's hiſt. p. 138.

quite

quite ſecure, till they were rid of three perſons who made them uneaſy, and with whom they were extremely incenſed, namely, the biſhops of Lincoln and Hereford, and Roger Mortimer the younger. Mortimer, who had done them great damage, was in their power, being actually priſoner in the Tower.

They attack the biſhop of Hereford, but are oppoſed.

Act. Pub. III. p. 617, 637. Walſing. De la M.

Adam Orleton, biſhop of Hereford, was promoted to that dignity by the favour of pope John XXII. in ſpite of all the king's endeavours to the contrary. The prelate, who had ſhown but little regard for the court on that occaſion, rightly judged the king would not fail, when in his power, to be revenged on him. For this reaſon he joined with the earl of Lancaſter, to ſcreen himſelf from the perſecution he juſtly feared. Affairs having taken a different turn from what he expected, and the king preſerving an extreme reſentment againſt him, his ruin was determined. To that end he was ſummoned to anſwer in the king's court to a charge of high-treaſon [e]. He appeared, but refuſed to plead in any but the eccleſiaſtical court, inſiſting upon the privilege of his order. This refuſal would have done him no ſervice, had he not been ſupported by the archbiſhops of Canterbury and Dublin. Theſe prelates conſidering the ſentence which the king's court was going to pronounce, as a manifeſt violation of the church's immunities, went with ſeveral other biſhops, and forbid the king's judges to take cognizance of the caſe, threatning them with excommunication, if they dared to proceed. However deſirous the king and his miniſters were to be rid of the biſhop, the clergy's oppoſition hindered the judges from paſſing ſentence, and the affair was referred to the parliament. Nevertheleſs, till this proceſs was over, the king ordered the temporalities of the party accuſed to be ſeized.

The two biſhops join together.

The biſhop of Lincoln, who was in the ſame caſe, plainly perceived what would be his doom, if the biſhop of Hereford was condemned. A common intereſt forming a ſtrict union between the two prelates, they ſought means to raiſe troubles, which ſhould ſhelter them from the king's vengeance. Unhappily for him their endeavours prov'd but too ſucceſsful.

Mortimer is condemned twice, and pardoned.

Roger Mortimer the younger, was not, or at leaſt ſeemed not to be, in very favorable circumſtances. Detained in cloſe confinement, and deſtitute of a character which might ſcreen him from the malice of the incenſed favorites, he expected to

[e] He was arreſted in the parliament held at London the beginning of Lent, and examined before the king and lords upon divers articles of high-treaſon. Walſing.

forfeit his head for the damages he had done. And indeed he was condemned to die[f], but found a powerful interceſſion with the king; who, notwithſtanding the ſollicitations of his favorites, changed his ſentence to perpetual impriſonment. It was no ſmall matter for Mortimer to eſcape death. His ſituation ſeemed to require his patience, till time ſhould bring ſome change in his favour. But ſo ſlow and uncertain a means was not capable of making him eaſy. Whether he was afraid the king would, one time or other, be gained by his enemies, or whether he relied upon the ſame protection that had already ſaved his life, he entered into new plots. Though a priſoner, he attempted to make himſelf maſter of the Tower, and likewiſe of Wallingford caſtle, by the help of his friends. The plot being diſcovered, one of his accomplices was condemned to be hanged, and himſelf once more had the ſentence of death paſſed upon him. However, he obtained a ſecond pardon.

Pat. 16. Edw. 2.
Pat. 1. M. 3+.
Walſing.

Remarks on his being thus pardoned.

When a man reflects on the great credit of the Spencers, their revengeful temper, and the reaſon they had perſonally to hate Mortimer, he muſt be convinced, that the protection which ſcreened him from their vengeance was very powerful. On the other hand, if all the circumſtances of this reign be conſidered, it will not be thought likely, that any other perſon but the queen could poſſibly obtain ſuch a favour from the king, againſt the intereſt and ſollicitations of the miniſters. This conjecture is confirmed by the ſcandalous manner wherein that princeſs afterwards lived with Mortimer; from whence it may be inferred, their good underſtanding commenced long before it was publicly known. For a further confirmation of this may be added what all the hiſtorians unanimouſly relate, that the queen inceſſantly complained of the ſeverities, exerciſed upon the friends of the late earl of Lancaſter. This gives occaſion to preſume, that Mortimer was the principal ſubject of her complaints. Moreover, at this very time it was, that the Spencers began to vex queen Iſabella, inſomuch, that by their perſecutions, they obliged her to complain to the king of France her brother, that ſhe was regarded but as a ſervant in her huſband's houſe. Now it does not appear, that the favorites had any other reaſon to mortify her, than the protection ſhe granted to Mortimer their enemy. All theſe reaſons incline me to believe, there was at this time a familiarity between Iſabella and Mortimer, and that the protection ſhe publicly honour'd

The queen is ſoured by the Spencers.
De la M.

[f] And his eſtates, together with his uncle's, were forfeited, in 1322. Not long after, the elder Mortimer died in the Tower.

him

him with, drew upon her the malice of the favorites. The vexation they gave her, led her to ſeek means to be revenged in her turn. This is truly the ſource of the events we are going to relate, concerning which hiſtorians have expreſſed themſelves very obſcurely. Let us add here, in order not to return to Mortimer till there ſhall be occaſion, that quickly after he found means to eſcape out of the Tower, and to lie concealed ſome time in England, notwithſtanding the diligent ſearch to apprehend him. Though hue and cry was raiſed after him, which ſeldom fails of ſucceſs, he had the good fortune to eſcape into France. Probably, he was hid in ſome place where they durſt not look for him. Let us now proceed to the fatal effects of the love, ambition, and revenge, which at that time poſſeſſed the principal perſons at court.

Mortimer eſcapes into France. Walſing. Ad. Murim. De la M. Act. Pub. IV. p. 7, 20.

The peace made by Edward I. with France ſtill ſubſiſted, notwithſtanding certain diſputes between the two crowns, in the reigns of Lewis Hutin, and Philip le Long, ſons and ſucceſſors of Philip the Fair. Upon Charles the Fair's acceſſion to the throne of France, after the death of his brothers, theſe differences were conſiderably increaſed, on account of the juriſdiction claimed by that prince over Guienne, as ſovereign lord of that duchy. It is probable too that Charles, diſſatisfied at the ill treatment of his ſiſter queen Iſabella, ſought occaſion to give Edward marks of his reſentment. An unexpected accident in Guienne, gave him an opportunity to make himſelf ſatisfaction. Hence flowed all the misfortunes which afterwards fell upon the king of England.

Affairs of Edward with France.

At St. Ardos a town in the Agenois, held of the caſtle of Montpezat, ſome outrage was committed, which Edward's officers in Guienne neglected to redreſs[1]. Whereupon the parties concerned carried their complaints to the king of France, as ſovereign. Charles embraced the opportunity to aſſert his right over Guienne. He cauſed the court of peers to ſentence the lords of Montpezat, and other Gaſcon gentlemen to baniſhment, and to confiſcate their caſtles to the crown

The king of France takes occaſion to ſeize Guienne. Act. Pub. III. p. 1005. IV. 48, 55. 63, &c.

[1] The occaſion of the quarrel was this: Hugh lord of Montpezat had built a caſtle on ſome land, which he pretended was within the territories of the king of England, but which the king of France maintained to be his; and therefore he ſummoned the ſaid lord before the parliament of Paris, which adjudged the land to the king of France; and his officer in thoſe parts immediately ſeized the caſtle. To recover which the lord of Montpezat aſſembled all his vaſſals, and received alſo aſſiſtance from the king's lieutenant of England in Guienne, by which means he ſoon became maſter of his caſtle, and put all the Frenchmen that were in it to the ſword. P. Daniel's Hiſt. of France, tome v. p. 51.

of France. By virtue of this ſentence, given without ſummoning the king of England, or his officers, Charles would have taken poſſeſſion of the caſtle of Montpezat; but was prevented by the Engliſh, who placed a ſtrong garriſon there. This oppoſition occaſioned another ſentence, declaring the garriſon guilty of felony, for oppoſing the execution of the firſt. Mean while, the king of France ordered troops to be raiſed in Perigord, and the neighbouring provinces, with deſign to beſiege the caſtle. To give the better colour to this armament, he complained, that Edward had not done him homage for Guienne and Ponthieu [h], and ſo had a pretence ready to confiſcate theſe provinces, in caſe his arms met with the expected ſucceſs. Indeed it was viſible, his deſign was not to take a caſtle only, ſince he ſent a formidable army into Guienne, under the command of Charles de Valois his uncle, who made himſelf maſter of ſeveral places. Certain it is, nothing was farther from Edward's thoughts, than a deſire of entering into a war with France, and yet he took no ſtep to avoid it. Inſtead of giving the king his brother-in-law ſome ſatisfaction, by doing juſtice to the parties concerned in the affair of St. Sardos, and by offering the homage due to him, he ſtill kept his character of neglecting great matters for the ſake of trifles [i]. It is true indeed, he ſent commiſſioners into Guienne [k], with public orders to make inquiſition concerning the buſineſs of St. Sardos. But by their private inſtructions they were to try to oblige the plaintiffs to deſiſt from their appeal, which was not endeavouring to ſatisfy the king of France. As for the homage, though he did not pretend to diſpute it, he excuſed himſelf from doing it, on pretence he had never been ſummoned in form. Mean time, he ſent his brother, the earl of Kent, to command in Guienne, but with ſo few troops, that the earl not daring to keep the field, ſhut himſelf up in Reole, where he was beſieged, and at laſt forced to capitulate.

Walſing. De la M.

1324. Charles de Valois makes great progreſs in Guienne. De la M.

Act. Pub. IV. p. 9.

Before the earl of Kent went over to Guienne, he was ſent to Paris, to try to adjuſt the difference between the two crowns. He had even agreed with the court of France upon a treaty, which the king his brother refuſed to ratify. This was the ſubject of a long negotiation, which ſerved only to

Negotiation at Paris. Act. Pub. IV. p. 42, 63, 98, 100.

[h] He ſent the Sieur de Segoville, and a notary named Andrew de Florence, to ſummon him to perform that homage. Walſing.

[i] Upon his being ſummoned by the king of France, he aſſembled the parliament in Lent (of which mention is made a little above) to conſider what anſwer he ſhould return to thoſe ſummons. Walſing.

[k] His brother Edmund earl of Kent, and the archbiſhop of Dublin. Ibid.

give

give the earl of Valois time to purſue his conqueſts in Guienne. At length, Edward perceiving the duchy was in manifeſt danger, thought fit to make ſome preparations, which occaſioned the court of France to equip a fleet, to oppoſe that of the Engliſh. The Spencers, ever watchful of occaſions to vex Iſabella, uſed this to deprive her of the earldom of Cornwal, aſſigned her for her private expences. They ſuggeſted to the king, that it was dangerous to leave that country in the hands of the queen, when he was in war with the king her brother. They added, that probably, the French fleet was deſigned for an invaſion in that quarter. This was ſufficient to induce Edward to reſume that earldom in a very diſobliging manner to the queen, without diſſembling that he thought her capable of holding a criminal correſpondence with the enemies of the ſtate. This indignity, which ſhe highly reſented, added to ſo many other reaſons of diſguſt againſt the Spencers and the king, in all likelihood, haſtened the project, the particulars whereof I am going to relate.

ibid. p. 84. Walſing.

Though Edward made ſome preparations for war, it was not by his arms that he expected the reſtitution of what was taken from him. His chief reliance was on the pope, who being choſen mediator between the two crowns, put him in hopes of a good iſſue of the affair. The pope ſent two nuntio's to Paris, where ambaſſadors from England [1] alſo repaired. But the negotiation went on ſo ſlowly that the Engliſh could not help ſhowing ſome impatience. As they ſeemed inclined to return home, a perſon of great note in the court of France took occaſion to inſinuate to the nuntio's, that if the king of England would ſend his queen to Paris, ſhe would undoubtedly obtain from the king her brother much better terms than the ambaſſadors could expect. The nuntio's having made the propoſal to the Engliſh plenipotentiaries, it was reſolved that one of them, the biſhop of Wincheſter, ſhould go to London, and perſuade their maſter to follow the method ſuggeſted to them. Theſe particulars are to be ſeen in a letter from Edward to the pope in the Collection of the Public Acts. It was not therefore a contrivance of the Spencers to be rid of the queen, as ſome have affirmed, ſince the project came firſt from France.* It is more likely, that the queen her ſelf put the king her brother upon it, in order to have an opportunity of going to Paris, and beginning the execution of her

1325.

The pope tries to accommodate matters. Act. Pub. IV. p. 105. Walſing.

It is propoſed to Edward to ſend his queen to Paris. De la M. Walſing.

Act. Pub. IV. p. 140.

De la M. Walſing.

[1] The biſhops of Wincheſter, and Norwich, together with John de Bretagne earl of Richmond, and ſir Henry de Beaumont, but afterwards in his room William de Ayremine canon of York. Rymer's Fœd. tom. iv. p. 106, 145.

plot

He conſents to it. Act. Pub. IV. p. 148.

plot againſt her huſband and his favourites. Be that as it will, the propoſal being debated in council [m], any expedient was thought preferable to a war, as matters then ſtood in England. Iſabella was therefore deſired to go to France; to which ſhe ſeemed to conſent, with the ſole view to make peace between the two kings. Immediately after her arrival at Paris, ſhe obtained a ſhort truce, during which ſhe concluded a treaty with the king her brother. By the treaty the duchy of Guienne was to be wholly reſigned to the king of France. That afterwards both the kings ſhould meet at Beauvais, where Charles, at the inſtance of the queen his ſiſter, ſhould reſtore Guienne to Edward, upon his doing homage for it. That in this reſtitution the country of Agenois lately conquered by France ſhould not be included: But that the king of England ſhould be allowed to ſue for it in the court of peers, where juſtice ſhould be done him. And in caſe the court ſhould decree that Edward ſhould have poſſeſſion again, he ſhould be obliged to pay the king of France a certain ſum towards the charges of the war; but ſhould pay nothing in caſe he loſt his cauſe. The day after ſigning the treaty, the commiſſioners of France, for reaſons they did not care to explain, deferred fifteen days longer the interview of the two kings, which had been fixed to the Aſſumption of the Virgin.

Articles of Iſabella's treaty with her brother. Ib. p. 153. Walſing.

Act. Pub. iv. p. 156.

Edward prepares to go and do homage. Ib. p. 148, &c. De la M.

How diſadvantagious ſoever the treaty appeared to Edward, as he was willing at any rate to avoid a war, he failed not to ratify it and prepare to do his homage. The Spencers beheld theſe preparations with great uneaſineſs, knowing there were in the kingdom a great number of male-contents who might take advantage of the king's abſence, to excite freſh commotions. An expedient found in this interval, either in France or in England, freed them from their trouble. It was inſinuated to the king, that if he would reſign to prince Edward his ſon aged thirteen years, the duchy of Guienne and the earldom of Ponthieu, the king of France would receive the homage of the *young* prince, and reſtore him the places he had promiſed to give up by the treaty. In all likelihood this overture came from the court of France, as well as the propoſal of the queen's going to Paris. But it was only hinted to the king like the former, in order to induce him to demand that favour himſelf. However that be, as one is apt to flatter himſelf, Edward imagined that, out of reſpect to

The giving up Guienne to his ſon is propoſed to the king. Cont. Nun. Walſing. De la M.

[m] Or rather, in a parliament, which began to deliberate about the affairs of Guienne held at Weſtminſter, January 21.

him,

him, the king of France had deviſed this expedient. to excuſe him from doing what was very diſagreeable to him, or the queen had obtained the favour by her ſollicitations. Neither himſelf nor the Spencers perceived the poiſon that lurked under this ſeemingly advantagious propoſal. They did not queſtion in the leaſt, but the management of Guienne would ſtill remain in their hands, in the name of the young prince, at leaſt during his minority. On the other hand, the change did not appear to be beneficial to France. But for that very reaſon they ſhould have ſuſpected it, ſince it ſeldom happens that any thing advantagious is offered to another, without the propoſer's receiving ſome beneſit though at firſt it does not appear. However, as Edward ſuſpected not his queen, he accepted, without heſitation, the offer, which excuſed him from a journey he was very unwilling to make. This was throwing himſelf headlong into the ſnare laid for him, the queen's ſole aim in the whole contrivance being to get the prince her ſon with her, and to make him her inſtrument to ruin the king her huſband.

He accepts the propoſal.

There is hardly room to queſtion, that Charles the Fair was very deeply concerned in the plot, when it is conſidered, that from him came the firſt propoſal of ſending Iſabella to Paris. This gives occaſion to preſume, he was author of the ſecond too, which tended to draw prince Edward there alſo. And indeed, if he had not ſome private view, what advantage could the change be to him? was it not more honourable, to ſee the king of England at his feet, than his ſon? and yet, inſtead of appearing to have made any objection on that account, it is ſeen in ſeveral places of the Collection of the Public Acts, that he very readily came into it, by the great haſte wherewith the agreement was made. The 21ſt of Auguſt, Edward had ſtill thoughts of going to France. The 24th of the ſame month he writ to Charles, to be excuſed, upon a pretended fit of ſickneſs, from meeting him at Beauvais on the day appointed. The 2d of September, he abſolutely reſigned to the prince his ſon the earldom of Ponthieu[n]. The fourth of the ſame month, Charles ſigned letters patent, conſenting to the ſubſtitution

Remarks which make appear that the king of France acted in concert with the queen his ſiſter.

Act. Pub. iv. p. 163, &c.

Ib. p. 165.

[n] The articles whereby king Edward reſigned Guienne to his ſon, were agreed upon at Dover, September 6, with the conſent of the prelates, and other great men there preſent. Two of the articles agreed upon at Dover, were, That if prince Edward died before his father, the lands in Guienne ſhould return to his ſaid father king Edward; and that the king of France ſhould neither marry, nor provide the young prince a guardian. See Rymer's Fœd. tom. iv. p. 162, 166. Walſingham, p. 121. De la Moor, p. 597.

of the ſon in his father's room, on condition king Edward would reſign to his ſon whatever he held in France. But this condition was already performed in England two days before, with reſpect to the earldom of Ponthieu. Hence it is plain, the negotiation was begun and ended between the 24th of Auguſt and the 4th of September, which doubtleſs will ſeem too ſhort a time, if the court of France is ſuppoſed not to be already determined to grant what ſhe well knew was going to be demanded. If the ſon's ſubſtitution in the father's place, had been attended with no conſequence, there would have been no occaſion to take much notice of it, the thing in itſelf being of little moment. But it was neceſſary to relate the circumſtances, in order to ſhew it was a plot contrived long before by the queen, and a ſnare laid by her for the king her huſband, and at the ſame time that ſhe acted in concert with the king of France her brother. For it is very hard to believe the queen ſo politic as to draw king Charles into her project, without his or his council's perceiving it. It is therefore very likely, that before Iſabella left England, ſhe had intimated to the king her brother, that ſhe wanted to throw off the dependence ſhe was kept in by the Spencers, and free herſelf from the ill treatment ſhe received by their inſtigation, from her huſband. So it may be very probably preſumed, it was in order to ſerve the queen his ſiſter, that Charles cauſed to be made indirectly the propoſal of ſending her to Paris. That it was moreover in proſecution of the ſame deſign, that he ſo readily came into the treaty with her, when he might reaſonably expect to become maſter of Guienne. In fine, that it was with the ſame view, that he conſented to receive the ſon's inſtead of the father's homage. It is ſcarcely to be doubted, that the prolonging the term of the homage, without giving the reaſons, was a conſequence of the ſame project. It was believed, without doubt, there would be occaſion for more time, to prevail with Edward to ſend his ſon to Paris, to which it was imagined he would make ſome objections. To all theſe reaſons may be added, that afterwards Charles permitted the queen his ſiſter to ſtay in France, notwithſtanding the repeated inſtances of her huſband to the contrary. Moreover the French hiſtorians own themſelves, he had promiſed her aſſiſtance. Add to this, Iſabella's hatred of Spencer the younger, and her paſſion for Mortimer, which ſhe took no further care to conceal, when ſhe had her ſon in her power. Moreover, let the reading be conſidered, wherewith all the Engliſh lords declared for her, as we ſhall ſee preſently. From the con-

Meſerai.

nexion

nexion of all these circumstances it is demonstrable, that Isabella's plot was formed before her departure from England, and that the king her brother was not ignorant of it. I have dwelt the longer on these particulars, because the historians seem to me to speak very obscurely of the causes of the revolution I am going to relate.

Prince Edward comes to Paris. Act. Pub. iv. p. 168. Ib. p. 165, 172, &c.

The two kings being agreed upon the expedient proposed, prince Edward departed for Paris on the 12th of September 1325, after receiving from his father the absolute grant of the duchy of Guienne and earldom of Ponthieu. In a few days after his arrival, he did homage to the king his uncle, who actually restored him Guienne, but kept the Agenois, of which Edward the father greatly complained. He pretended, that by the late agreement Charles was obliged to restore all Guienne to his son. Charles, on the contrary, maintained, that the restitution he had promised had relation to the late treaty, whereby he reserved the Agenois for himself. This contest displeased not the queen, who wanted a pretence to stay at Paris, from whence she did not intend so soon to depart. After the arrival of her son, all the English who had fled for refuge into France, or been banished their country, came to her. Roger Mortimer was of this number, and became her chief counsellor. From thenceforward Edward's ambassadors had but little access to the queen, and were no longer advised with concerning the restitution of the Agenois. On the contrary, she held frequent councils, where none were admitted but the professed enemies of her husband, and of the Spencers. Nay she had secret conferences with Mortimer, which occasioned many suspicions. In fine, she used so little discretion in her familiarities with him, that Edward's servants at Paris were extremely offended thereat. On the other hand, her return to England was deferred from day to day on divers pretences, notwithstanding the repeated orders of Edward to bring home his son. All the historians unanimously affirm, she was in love with Mortimer. Some say, her passion began at Paris: but much more probably, it commenced in England before Mortimer's imprisonment. However this be, the queen's secret conferences with a fugitive she ought to have banished her presence, as an enemy to the king, opened at length the eyes of the bishop of Winchester, one of Edward's ambassadors. The bishop plainly perceiving his master was betrayed, privately withdrew from the court of France [o], to inform

He does homage.

Walsing.

De la M.

The queen's plot against the king her husband.

Her passion for Mortimer.

Walsing.

The bishop of Winchester informs the king of it.

Walsing.

[o] Having been dismissed from being of his secret council, he left her, and returned to England.

him of what was transacting at Paris He acquainted him, not only with the queen's scandalous behaviour to Mortimer, but assured him also, they were contriving some plot against him. He very justly built his suspicions on their frequent councils with the exiles, without suffering the ambassadors to be present. Edward had already thought it very strange, that after the homage was done, the mother and son should stay so long in France, and had often writ to recall them. The bishop of Winchester's information entirely opening his eyes, he began from that moment to perceive his great error in sending his son to Paris. This made him repeat his instances for their return, and positively command the queen to bring his son with her, without staying one minute for the reasons she had hitherto alledged. His orders were so urgent, that Isabella was obliged to seek other excuses. She caused the king her brother to send him word, she could not think of returning to England without being first secured against the ill treatment of Spencer the son [p]. Edward, in his answer, justified Spencer's behaviour to the queen, by her own letters to that favourite, full of friendship and confidence, since her being in France. Moreover, he assured the king his brother-in-law, that he would never suffer Spencer, or any other person, to be wanting in the respect due to his queen. He further represented to him, that if he had not entirely relied on his sincerity, he should never have sent his son into France, and desired him to remember his promise, and send him back with all speed He writ in the same manner to the queen and prince; but his letters were all to no purpose. Isabella was determined to pursue her point, and whilst she was taking measures at Paris to accomplish her design, her friends were effectually serving her in England. The heads of her party were Henry of Lancaster, brother of him beheaded at Pontfract, and the bishops of Lincoln and Hereford. They did not find it very difficult to form a strong party against the king, considering the dispositions of the barons since the late cruel executions.

Act. Pub. iv. p. 180, &c.

De la M. Claus. 19 Edw. II. M. 2. Dors.

The queen complains of Spencer.

Edward's letter to Charles about that matter. Act. Pub. iv. p. 180.

Ib. p. 181, 182.

The queen gains a party in England. De la M. Walsing.

1326. Charles the Fair, as the French historians are forced to own, had promised the queen his sister some assistance, but was unwilling to appear in her plots [q]. It was necessary therefore

Isabella treats with the earl of Hainault.

p It was then reported, whether true or false, that the Despencers had procured the king's consent to make away the queen his wife, and prince Edward his son. Walsingham.

q Froissart relates, that as Isabella was providing for her voyage, Hugh le Despencer having notice of it, contrived with presents to buy off the French king, insomuch that he forbid, under pain of banishment, any of his subjects from assisting the queen. vol. i. c. 6.

for

for Iſabella to find a protector, who would not ſcruple openly to ſupport her intereſts. To that end, ſhe applied to the earl of Hainault, from whom ſhe believed, ſhe ſhould be able to procure ſome troops to ſtrengthen her party upon her arrival in England. But as ſhe could not expect to gain that prince without making it turn to his advantage, ſhe concluded with him a marriage between her ſon Edward and his daughter Philippa, as if it had been in her power to diſpoſe of the young prince. Several pieces in the Collection of the Publick Acts plainly ſhew, this marriage was in hand whilſt the queen was yet at Paris. Amongſt others, there was a letter of king Edward to his ſon, expreſly forbidding him to enter into any marriage-contract without his knowledge. Froiſſart. Walſing. and concludes a marriage between prince Edward and his daughter. Act. Pub. iv. p. 195.

Mean time, the king of France ſtill permitted Iſabella to continue at Paris, and read without any emotion or anſwer, Edward's letters, upbraiding him with breach of faith. The information Edward received from the biſhop of Wincheſter; the queen's frivolous excuſes to defer her return; and king Charles's connivance, troubled him extremely. He plainly ſaw, ſome plot was contriving againſt him at Paris, though he could not gueſs what it was. But he was ſenſible, the conſequences were to be dreaded, as long as his ſon was in the power of his enemies. Moſt of the hiſtorians affirm, the contempt ſhown by the mother and ſon for his orders, induced him at length to baniſh them the realm. But a letter he ſent the pope, manifeſtly ſhews, it was only a falſe rumour ſpread in France, on purpoſe to juſtify the queen's ſtay. In the letter Edward told the pope, "That he had never ſuch "a thought: that the tender age of his ſon freed him from "all imputation of diſobedience, of which the queen alone "was guilty, and that he had too great an affection for both, "to treat them ſo inhumanly." After trying in vain all the ways he could deviſe, to oblige them to return to England, he vented his whole fury upon the ambaſſadors, who aſſiſted the queen in the negotiation of the fatal treaty, and reſolved to make them reſponſible for the event. He particularly charged the biſhop of Norwich and the earl of Richmond, with prevaricating in the execution of their orders [r], wherein he committed two egregious errors: Firſt, as he increaſed thereby the number of his enemies, who were already too numerous. Secondly, as he diſcovered his incapacity to govern, ſince, as a minor king might have done, he caſt on his Confutation of Edward's baniſhing the queen and his ſon. Walſingh. Act. Pub. iv. p. 200. He accuſes his ambaſſadors of prevarication. Ib. p. 193.

[r] And hereupon ſeized their lands and goods. Rymer's Fœd. tom. iv. p. 209.

Ib. p. 198.

ministers the blame which he himself had incurred, by ratifying the treaty. This conduct could not fail to give his enemies a great advantage, whose chief aim was to persuade the people, the king was very unfit to rule. To this imprudent proceeding, he added another, no less impolitick, in declaring war against France, without being in any readiness to maintain it, and in giving Charles a plausible pretence openly to support his sister's interests [a].

He declares war with France. Ib. p. 216, 218.

Charles assists his sister.

As Isabella's project to dethrone her husband has something detestable in it, the French historians would fain insinuate that Charles the Fair her brother was no way concerned. On the contrary, they affirm, that when he came to know it, he expelled her his dominions, and forbid his knights to give her any assistance. They would have spoke the whole truth, if they had said, he did not do this, till Isabella had taken all her measures with the earl of Hainault, and was upon the point of executing her design. Mezerai could not help discovering his thoughts, when he said the Spencers were so liberal of their money at the court of France, that Charles, gained by presents, or awed by the threats of a rupture, prohibited his subjects from assisting the queen. It is true, he adds, that because Mortimer, who had made his escape out of the Tower, was come to queen Isabella at Paris, Charles, detesting their shameful proceedings, would not suffer her any longer in his dominions. But it is easy to see, the French king was not swayed by that motive, since it is not true, that Mortimer followed the queen into France, where he had been two years before her. On the contrary, it is certain, Charles suffered his whole court above sixteen months, to be witness of the familiarities between his sister and Mortimer. And if he sent her afterwards out of his territories, it was purely on account of the uncertainty of the event, and to avoid the blame of having approved of her conduct, in case she did not succeed.

Mezerai.

The queen embarks at Dort. Froissart. l. i. c. 9. Walsingh. Knighton.

Isabella leaving the court of France, spent some days at Abbeville, from whence she came to Valenciennes. Upon

[a] At the same time, he issued out his orders, dated at Guysnard, February 8, to all the sheriffs in England, to summon all the earls, barons, knights, and others holding by knight's service, arraiers of foot-soldiers, light horse-men, &c. to get themselves in a readiness; as also to John D'Eltourny admiral of the north, to Nicholas Kyriel, admiral at the South Seas, and to Ralph Stafford of Drayton, constable of Dover castle, and guardian of the Cinque-Ports, to oppose the landing of any of the king's enemies. Ibid. p. 189. —— Not long after, April 18, he renewed his father's orders confirmed by the parliament, against those that spread false rumours, in order to sow discord between the king and his people; the penalty of which was imprisonment, Ibid. p. 202.

her

her arrival, ſhe ratified the treaty concluded between her and the earl of Hainault, and contracted her ſon Edward to the princeſs Philippa. A few days after, ſhe repaired to Dort, where ſhe embarked the troops ſupplied by the earl of Hainault, who were all ready there, with ſhips to tranſport them. John de Hainault, brother of the earl, had the command; and the queen, as a ſingular favour, gave him leave to ſtile himſelf her knight. Some reckon theſe troops but three thouſand. Others ſay, they were more numerous. But ſhe did not rely ſo much upon theſe forces, as upon the diſcontents of the Engliſh, and the many adherents gained by her friends in England. She landed on the twenty-ſecond of September [at Orewell] in Suffolk, where ſhe was joined by Henry of Lancaſter, and ſeveral other lords[t]. At the ſame time, the enemies of the Spencers were very buſy in levying troops for her aſſiſtance; and her army ſoon became ſo numerous, that ſhe ſtruck terror into thoſe who were deſirous to ſerve the king. That unfortunate prince, who had received timely notice that a plot was contrived againſt him at Paris, had, according to cuſtom, employed himſelf in ſeeking ineffectual remedies for the impending evils. Inſtead of raiſing an army, and equipping a fleet, which might have cruſhed the deſigns of his enemies, he had only writ to the pope, and the king of France, letters which were to no manner of purpoſe. Wherefore, upon the arrival of the foreign troops, he was deſerted by all, and unable to withſtand his enemies. In vain did he publiſh a proclamation, commanding his ſubjects to fall upon the foreigners, and ſet a price upon Mortimer's head[u]; not a man ſtirred to obey him. The earl of Kent, his own brother, joined the male-contents, and went over to the queen. In this extremity, he reſolved to retire into the weſt with the two Spencers, the earl of Arundel, chancellor Baldoc, Simon de Reading, and a few other friends of the favourites.

De la M. She lands in England, and is joined by the male-contents. Act. Pub. iv. p. 231.

p. 104, 210, 212.

Edward deſerted by all. Act. Pub. iv. p. 232, 233. Walſing. De la M.

Mean time the queen, whoſe army daily increaſed from all parts, publiſhed a manifeſto in her own as well as in the names of Edward her ſon and the earl of Kent, ſetting forth the reaſons of their taking up arms. They pretended, their ſole aim was to free the church and ſtate from the oppreſſions to which they were expoſed, by the male-adminiſtration of the king,

The queen publiſhes a manifeſto. Act. Pub. iv. p. 230. Walſing. X Scriptor. Col. 2764.

[t] Particularly Aymeric de Valence, earl of Pembroke, the earl of Leiceſter, with the biſhops of Hereford, Lincoln, Ely, and Dublin.

[u] A thouſand pounds. Rymer's Fœd. tom. iv. p. 239. This proclamation is dated at the Tower of London, Sept. 28.

and the tyranny of the Spencers: adding, *these unworthy favorites* and their adherents ought to be deemed enemies of the state, since by their pernicious councils, and abuse of the royal authority, they unjustly deprived some of their lives, others of their estates and liberty, without any regard to the laws of the land, or the privileges of the people. The manifesto was published at Wallingford, October 15, whilst the queen was marching in pursuit of the king.

The king leaves Spencer the father at Bristol, and thinks of retiring to Ireland. Walsing. De la M.

Edward was then little able to withstand his enemies: all his endeavours to raise troops had proved ineffectual: nobody would expose himself to the queen's resentment, or hazard his life and fortune for an unhappy prince, who was now looked upon as lost. In this extremity, finding no remedy in England, he resolved to retire into Ireland, and leave Spencer, the father, in Bristol. He fancied, the siege of that place would so long employ the queen, that he should have time to take some measures. Pursuant to this resolution, he went on board a small vessel, and set sail for Ireland: but he was driven by contrary winds on the coast of Wales, where he was forced to land, and lie concealed in the abbey of Neath, till the wind became fair, or he could form some other design. Whilst this unfortunate prince could hardly find in his own kingdom a place of safety, the queen over-ran the counties with a wonderful rapidity. Every one was eager to supply her army with necessaries. At length she came before Bristol, where Spencer made but a faint resistance. The city surrendring after a few days siege, the old Spencer, aged fourscore and ten years, was immediately hung up in his armour, without any formality.

He is driven on the coast of Wales, where he hides himself.

The queen takes Bristol, and hangs Spencer the father. De la M.

London declares for the queen.

Mean while, the city of London following the example of the rest of the kingdom, declared for the queen. In vain did Walter de Stapleton, bishop of Exeter, whom the king had *left guardian of the city, endeavour to keep it for his master. His efforts served only to excite* against him the fury of the populace, who treating him with great indignity, at length cut off his head [w]. The citizens, likewise enraged against the king, became masters of the Tower, and released all the prisoners confined by the Spencers [x].

The bishop of Exeter beheaded. Walsing.

[w] He was a great benefactor to Oxford, founded and endowed Exeter college, and built Hart Hall. The reason of the mob's fury against him was, that being the surge of the kingdom, he had prevailed the king's council to cause the itinerant justices to sit in London, who finding that the citizens had offended in many things, deprived them of their liberties; fined some, and inflicted corporal punishments on others. Walsing.

[x] They also took John Marshall, servant to Hugh le Despenser junior, and cut off his head, and plundered all his goods. Walsing.

At

At Briſtol, where the queen ſtaid ſome days, ſhe was informed of the king's being embarked for Ireland. As he had not committed the government to any perſon, the lords who attended the queen uſed that pretence to name for guardian, or regent of the kingdom, prince Edward, who took upon him the adminiſtration. This done, the queen came to Gloceſter, where the gates were opened to her. Here ſhe publiſhed a proclamation, inviting the king to come and reſume the government: but herein ſhe acted not with ſincerity. She not only had no intention to re-inſtate the king, but knew he never would venture to place any confidence in her, after being ſo cruelly treated.

Prince Edward choſe regent. Act. Pub. iv. p. 237.

The queen by proclamation invites the king to return.

Whilſt the queen was at Gloceſter, a report being ſpread that the king was ſome where concealed in Wales, Henry of Lancaſter was detached in queſt of him. His diligence, and a reward of two thouſand pounds promiſed by the queen to any perſon that ſhould take Spencer the younger, ſoon gained him intelligence of the place, where the unhappy king thought to be concealed. He had with him only Spencer, chancellor Baldoc, Simon de Reading, and a few domeſtics, all the reſt forſaking him in his misfortunes. As the abbey of Neath was no proper place to keep the priſoners, Henry of Lancaſter carried them to Monmouth-caſtle till farther orders. When the queen heard the king and her principal enemies were in her power, ſhe held a council, to know how ſhe was to behave at that juncture. It was reſolved in the council, that the biſhop of Hereford ſhould be ſent to demand the great ſeal of the king, as well to hinder him from uſing it againſt the queen, as to be able to call a parliament, without which nothing could be done but what would want a lawful authority. If what had hitherto paſſed diſcovered to the king the deſigns of his enemies, this laſt circumſtance fully convinced him, he ſhould be no longer regarded, ſince by taking from him the great-ſeal, he was deprived at the ſame time of the exerciſe of the royal authority. He delivered it however, without ſhowing any reluctance, and gave the queen and his ſon power to uſe it as they pleaſed, even in matters of mere grace. This was the laſt act of authority performed by Edward, who ſhortly after was conducted to Kenelworth caſtle.

The king is taken and carried to Monmouth. Ibid. Walſing. De la M.

He is forced to deliver up the great-ſeal. Act. Pub. iv. p. 237.

Ib. p. 237. Walſing.

When the queen had the great-ſeal in her poſſeſſion, ſhe uſed it to her own advantage, as well to order the payment of her debts, as to call a parliament in the captive king's name. She had not patience to ſtay till the meeting of the parliament, to be revenged upon Spencer and the reſt of her enemies.

A parliament called in the king's name. Act. Pub. iv. p. 242.

The

The earl of Arundel beheaded. Walſing.

The earl of Arundel had now loſt his head by her orders at Hereford, where ſhe had a mind to ſacrifice the others to her vengeance. She marched to that city, ordering the priſoners to be conducted in a moſt ignominious manner, to expoſe them all the way to the inſults and curſes of the people. As ſoon as ſhe arrived, ſhe cauſed Spencer and Simon de Reading to be brought to their trials; of whom the firſt was hanged on a gibbet fifty foot high, and the other ten foot lower. As for chancellor Baldoc, as he was in holy orders, and it was not ſafe to proceed againſt him in the ſame manner, he was delivered to the biſhop of Hereford, and carried to London. But in entering the city, the mob fell upon him, and terribly abuſing him, threw him into Newgate, where he died of the blows he had received.

Spencer and Simon de Reading hanged. Knighton. Walſingh. De la M.

Baldoc dies in Newgate.

1327. The parliament meets. Walſing.

The favorites and miniſters having thus received the reward of their pride and cruelty, the queen came to London, to take new meaſures concerning the parliament which was to meet. She entered the city in triumph, amidſt the acclamations of the people, who called her their deliverer, and expreſſed their thankfulneſs for the pretended ſervice ſhe had done the ſtate. The parliament meeting in January 1327, the firſt thing taken into conſideration, was the depoſing of the king, for which all were now ſo prepared, that the unfortunate king had not a ſingle advocate to plead for him. It was unanimouſly reſolved, the king ſhould be depoſed, and his ſon Edward made king in his room. The heads of the charge exhibited againſt him, were digeſted into ſeveral articles, of which ſome were very much aggravated, and others only bare repetitions, in order to ſwell the number. In general, he was accuſed of not having governed according to the laws of the land; of having made uſe of ill counſellors, and rejecting the advice of his faithful ſubjects. The articles were[x]:

Edward is depoſed, and his ſon choſen in his room.

X Scriptor. Col. 2765. Walſing.

"I. For that the perſon of the king was not ſufficient "to govern; for in all his time he was led and governed by "others, who gave him evil counſel, to the diſhonour of "himſelf, and deſtruction of holy church and all his people; "not conſidering or knowing whether it was good or evil; "nor would remedy theſe things, when he was requeſted by

" the great and wiſe men of his realm, or ſuffer them to be
" amended.

" II. Alſo, in all his time he would not give himſelf to
" good counſel, nor take it, nor to the good government of
" his kingdom; but always gave himſelf to works and em-
" ployments not convenient, neglecting the buſineſs of his
" realm.

" III. Alſo, for want of good government he loſt the king-
" dom of Scotland, and other lands and dominions in Gaſ-
" cogne and Ireland, which his father left him in peace and
" amity with the king of France, and many other great
" perſons.

" IV. Alſo, by his pride and cruelty, he deſtroyed holy
" church, and the perſons of holy church, putting ſome in
" priſon, and others in diſtreſs; and alſo put to ſhameful
" death, and impriſoned, baniſhed, and diſherited many great
" and noble men of the land.

" V. Alſo, whereas he was bound by his oath to do right
" to all, he would not do it for his own profit, and the cove-
" touſneſs of him and his evil counſellors which were with
" him; neither regarded the other points of the oath which
" he made at his coronation, as he was obliged.

" VI. Alſo, he abandoned his realm, and did as much as
" he could to deſtroy it and his people; and what is worſe,
" by his cruelty, and the default of his perſon, he is found in-
" corrigible, without hopes of amendment. All which things
" are ſo notorious, they cannot be gainſaid."

This act paſſing unanimouſly, young Edward was proclaimed king in Weſtminſter-hall, by the name of Edward III. Then the archbiſhop of Canterbury preached a ſermon on theſe words, " The voice of the people, the voice of God;" wherein he endeavoured to vindicate what the parliament had done, and exhorted the people to pray to the King of kings for their new ſovereign.

When the news of this rigorous ſentence was brought to the queen, ſhe ſeemed to be extremely moved, even to the burſting out into tears: but her outward grief little agreed with all her proceedings to dethrone her huſband, much leſs with her paſſion for Mortimer, of which ſhe gave ſuch public marks, that it was impoſſible to be miſtaken. The prince her ſon, whoſe youth made him leſs ſuſpicious, was perhaps the only perſon that was affected with her counterfeit tears. Urged by his generous inclinations, he ſolemnly vowed not to accept the crown during the king his father's life, without his expreſs conſent. This vow diſconcerted the meaſures of

Pretended ſorrow of the queen. Walſing.

The prince would not accept the crown without the king's conſent.

Walſing. of the parliament. They were afraid Edward the father would perſiſt in keeping the title of king, though ſtript of all his authority. In this perplexity, it was deemed abſolutely neceſſary, to oblige him to reſign his crown to his ſon. Purſuant to this reſolution, the biſhops of Lincoln and Hereford were ſent to prepare him. Then the parliament nominated twelve commiſſioners, three biſhops, three earls, two barons, two abbots, and two judges [a], to whom was added judge Truſſel, as the nation's particular procurator, to declare to him, that the people of England were no longer bound by their oath of allegiance, and to receive his reſignation. Nothing ſhowed ſo much their reſentment againſt the unfortunate king, as their choice of the two firſt biſhops [b], whom he had all along looked upon as his enemies, and who indeed diſcharged their commiſſion very rudely. Inſtead of giving him conſolation, they inſulted over his misfortunes, by endeavouring to perſuade him, he was depoſed for his own good, and to caſe him of the weight of the government, that he might live more happily than he had hitherto done. But as their malicious diſcourſe made no impreſſion upon him, they plainly told him, unleſs he complied with the parliament, his condition would be rendered more unfortunate: adding, his obſtinacy would be a great prejudice to his family; for, if he refuſed to reſign the crown to his ſon, the nation was reſolved to elect a king, not of the royal family. Upon theſe words they withdrew, in order to give him time to conſider of his anſwer to the commiſſioners, who were coming to receive his reſignation.

The parliament obliges the king to reſign his crown. De la M. Knighton.

Sad ſtate of Edward. De la M.

At the arrival of the commiſſioners, the unfortunate king came out from his bed-chamber in a mourning-gown, with looks demonſtrating his inward trouble. As he was acquainted with the occaſion of their coming, the ſight of that formidable power, which had juſt deſpoiled him of royalty, made ſuch an impreſſion upon his mind, that he fell into a ſwoon, from whence he could hardly recover. As ſoon as he came to himſelf, the commiſſioners told him their meſſage, and repreſented to him the ill conſequences of his refuſal. Then the unhappy prince, with a ſadneſs that could not be ſeen without pity, anſwered, "That he ſubmitted to whatever was re-
"quired of him, with the greater reſignation, as he acknow-
"ledged, his ſins were the ſole cauſe of his misfortunes."

Walſing. Knighton. His anſwer to the deputies.

[a] Walſingham ſays, that it was three biſhops, two earls, two abbots, four barons, three knights from every county, and a certain number of perſons from the cities and great towns, chiefly from the cinque ports. So De la Moor.

[b] Adam de Orleton, biſhop of Hereford, and Henry Burwaſche, biſhop of Lincoln.

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He added moreover, "that he could not behold without extreme grief, the averſion his people had for him; but if his ſorrow could admit of any comfort, it was from the conſideration of his ſubjects goodneſs to his ſon, for which he returned them thanks."

After this anſwer, he proceeded to the ceremony of the reſignation, by delivering to them the crown, ſceptre, and the other enſigns of royalty. Then Sir William Truſſel, addreſſing himſelf to the king, ſpoke in the following manner, making uſe of a form of his own, in a caſe where there was no precedent to follow. "I William Truſſel, procurator of the prelates, earls, barons, and people in my procuracy named, having for this full and ſufficient power, do ſurrender unto you, Edward, late king of England, the homage and fealty of the perſons aforeſaid, and do acquit the ſame, in the beſt manner the law and cuſtom can give it, and do make this proteſtation, in the name of all thoſe that will not be in your fealty or allegiance for the future, nor claim or hold any thing of you as king, but account you as a private perſon, without any manner of royal dignity." After theſe words the high-ſteward [Sir Thomas Blunt] broke his ſtaff, and declared all the king's officers diſcharged from his ſervice. Thus ended the reign of Edward II. in the forty-third year of his age, having laſted nineteen years, ſix months, and fifteen days.

He reſigns the enſigns of royalty.

A new procedure in this caſe. Polychron. l. 7. c 47. Knighton. De la M.

This prince had a very mean genius, which permitted him not to diſtinguiſh what was for his advantage from what was for his hurt. He followed his humour, without troubling himſelf about the conſequences, and without being able to remedy the misfortunes he thereby drew on himſelf. Though he had many failings, he may be affirmed to be more weak than wicked. To ſum up his character in a few words, he was very like his grandfather Henry III. Edward his father, a much wiſer prince than he, and taught by the misfortunes of the two kings his immediate predeceſſors, ever avoided, as a moſt dangerous rock, all occaſion of quarrel with the nobles; chuſing rather to give way a little, than hazard his quiet to gratify his reſentment. The ſon had not a ſufficient capacity to follow ſo good an example, or to improve by his inſtructions. He gave up himſelf entirely to his favorites, and choſe rather to forfeit the affection of his people, than deny himſelf the ſatisfaction of heaping favours on thoſe he loved. His weakneſs and incapacity drew on him the contempt of his ſubjects, which was ſoon changed into hatred, when he was ſeen to ſacrifice all to his paſſions. He had the misfortune

Character of Edward II.

Del. M.

tune to have a beautiful and amorous wife, who giving way to an infamous paſſion, compleated his ruin, for fear perhaps of being herſelf prevented. Certainly, he was treated too ſeverely by his ſubjects, whoſe inſolence increaſed in proportion to their ſovereign's weakneſs. One cannot obſerve without wonder, that there was not a ſingle perſon willing to draw his ſword in his defence. I ſhall not undertake to determine how far, in thoſe days, the rights of the people, with regard to the king, might extend: I ſhall only ſay, there was no precedent to follow; for this is the firſt inſtance, in the Engliſh hiſtory, of a king depoſed by his ſubjects, at leaſt ſince the conqueſt. Edward II. is taxed with being given to drink. Some ſpeak of his fondneſs for Gaveſton, ſo as to make it believed very criminal. Others, on the contrary, commend him for his continency: and indeed, we do not find he had any miſtreſſes or baſtards, like ſome of his predeceſſors. He founded Oriel-College and St. Mary-Hall in Oxford, and built a monaſtery for friars on his eſtate at Langley [c].

His iſſue. He had by Iſabella of France two ſons and two daughters. The eldeſt of his ſons was Edward III. his ſucceſſor: the youngeſt, John of Eltham, ſo called from the place of his birth, died in his brother's reign, without iſſue. Joanna, the eldeſt daughter, was married to David king of Scotland: Eleanor, the ſecond, was wife of Reynald duke of Guelders [d].

An earthquake. I ſhall cloſe the hiſtory of this reign with two events, which I have not had occaſion to ſpeak of elſewhere. The firſt was an earthquake, the moſt terrible that had ever been felt in Great Britain. The ſecond was the ſuppreſſion of the order of the Knights Templars in England and all other Chriſtian ſtates. This order was firſt inſtituted at Jeruſalem, in

Suppreſſion of the Templars.

Mat. Paris. p. 67. Walſing. p. 69.

[c] The honour of founding Oriel college is attributed to Edward II. though he did little more than grant licence to Adam de Brom, his almoner, in 1324, to build and endow a college, to be called St. Mary's houſe. To this ſociety king Edward III. in the firſt of his reign, gave a tenement called l'Oriele, on which ground ſtands Oriel college. The preſent St. Mary's hall was a long time the parſonage houſe to the rector of St Mary's; which church being appropriated by Edward II. to the college founded by de Brom, the houſe came alſo in their poſſeſſion, and was ſoon after allotted for the reſidence of ſtudents. Camd. Add. Oxfordſhire. But if Edward II. was not the founder of that college, it is certain he founded in Oxford, 1325, a houſe for Carmelites or White Friers, Stow's Ann. p. 217. In 1317, February 14, died Margaret, relict of king Edward I. and was buried in the choir of the Grey Friers church in London. Id. p. 219.

[d] She was married to him, with a fifteen thouſand pound portion, in 1332, in the ſixth year of Edward III. This earl Reynald, being vice-general of the empire to the emperor Lewis of Bavaria, he created him the firſt duke of Guelders. Eleanor had by him two ſons, who both died without iſſue.

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the reign of Baldwin IV.[e] for the defence of the holy ſepulchre, and protection of the pilgrims that reſorted thither from all parts. Hugo de Paganis and Geoffrey de St. Ademar were the founders. The knights of this order were at firſt called the Poor of the Holy City; afterwards they had the name of Templars, becauſe their firſt houſe was near the Temple: hence it is that all their houſes were ſtyled Temples. The order was confirmed in the council of Troye, 1127, and its rule compoſed by St. Bernard.

After the downfal of the kingdom of Jeruſalem, about the year 1186, this order was diſperſed over all Europe, and increaſed prodigiouſly by the liberality of the Chriſtians[f]. Riches ſoon changed the manners of the knights: in proceſs of time their ſcandalous lives, joined to an inſupportable pride, cauſed them to be as odious as they were eſteemed in the beginning of their inſtitution[g]. Philip the Fair, king of France, being diſobliged by thoſe of his kingdom, and not content with puniſhing the offenders, attempted the ruin of the whole order, by means of pope Clement V. whom he had artfully gained[h]. In the firſt place, he ordered all the Templars in France to be ſeized, as well as the grand maſter of the order, who reſided in Cyprus, and by the pope's order was come to Paris. Then upon a charge exhibited againſt them, that at their reception into the order they denied Jeſus Chriſt and ſpit upon a crucifix, he cauſed fifty-ſeven to be burnt, among whom was the grand maſter. To this accuſation was added others of hereſy, ſodomy, and other numberleſs crimes. To oblige the king of France, Clement V. earneſtly preſſed Edward II to follow the example of Philip his father-in-law. After much ſollicitation, he obtained at length that all the Templars in England ſhould be ſeized (as they were in France) in one day. Edward being prevailed with, in expectation of their eſtates, which were very conſiderable, held a national ſynod at London, where they were condemned. However, they were not treated ſo rigorouſly as in France: they were

Puteanus Hiſt. de la Condam. des Templ.

Act. Publ. tom. iii. p. 30—292.

[e] In the year 1118. Mat. Paris. p. 67.

[f] They were poſſeſſed of [illegible] lordſhips, beſides other lands. Heylin's Coſmogr. lib. iii.

[g] It was a common ſaying, To drink like a Templar. Coll. Eccl. Hiſt.

[h] Walſingham ſays that Philip king of France had a mind to make one of his ſons king of Jeruſalem; &c. to obtain their riches for this ſon, it is probable he cauſed that order to be aboliſhed: or elſe perhaps that king and the pope, envying the riches as well as magnificence of the order, might contrive to diſſolve it, that they might ſhare their wealth and great eſtates between them. Walſing. p. 99. See Tyrrel, vol. ii. p. 312.

only

only dispersed in the monasteries to do penance, with a moderate pension paid out of the revenues of the order. The severities exercised upon them in France and England would no doubt have sufficed, if the design had been only to chastise them; but their destruction was determined. Clement V. agreeing in this point with Philip the Fair, caused strict enquiry to be made, and many witnesses to be heard, who accused not some particular knights only, but the whole order of the most enormous crimes. If these depositions were well attested, one can hardly conceive it possible there could be so detestable a society among Christians. But all were not equally persuaded of the truth of these evidences, particularly as to what concerned the order in general. These preparations being made, the pope called at Vienne in Dauphine a general council, where he presided in person, and where Philip was pleased also to be present, to promote the condemnation of the order. But they did not find the council disposed as they expected. The bishops could not think of condemning men that were not convicted, or even summoned before the council to answer for themselves. These proceedings of the pope without hearing what the order could alledge in their defence, did not appear sufficient to the council, who wished that things were done in a more legal manner: so the pope was obliged to use the plenitude of his apostolical power, in suspending the order for ever, by a bull read in the second session. As the council was not prepared for it, no man ventured to oppose the bull, and their silence was taken for an approbation, according to the method some time established. By the same bull the pope reserved to the holy see the disposal of the estates of the Templars; and shortly after, Clement assigned them to the Hospitallers or Knights of St. John of Jerusalem, called at this day Knights of Malta. Edward II. who had taken possession of the estates of the condemned order, in vain opposed the pope's grant to the Hospitallers, and insisted on the prerogative of his crown, by which all confiscations were adjudged to him. The troubles in England during his reign would not permit him to keep possession [i]. Thus the whole order of the Templars were made to suffer the punishment which doubtless some of their members deserved, but which probably was not due to all.

Act. Publ. tom. iii. p. 326, 936.

[i] The possessions of the Knights Templars were granted by the Hospitallers of St. John of Jerusalem, by the [illegible] which [illegible] in the beginning of [illegible], [illegible] when the [illegible] [illegible] Templars [illegible] [illegible] p. [illegible]

HAVING

HAVING in the laſt coin-note ſpoken of the perſons that ſat and acted at the exchequer during the ſecond period, I ſhall conſider, II. the buſineſs of the exchequer during the ſame, which may be ranked under three general heads: 1. Affairs of the revenue. 2. Cauſes. 3. Buſineſs of various kinds. 1. There was in the exchequer a great variety of buſineſs, ſpringing from things incident to the revenue. Fines of divers kinds were impoſed, and amercements ſet by the treaſurer and barons. They ſometimes ſurveyed the king's manors, and committed or demiſed the ſame. They alſo committed (by the king's command and aſſent) the counties to ſheriffs, and removed them from their bailywicks. In fine, it was the buſineſs of the treaſurer and barons to ſpeed the levying and getting in of the king's debts, and manage the crown-revenue to the beſt advantage. Nevertheleſs, if the king thought them remiſs, or wanted money very urgently, he would ſend writs or meſſages to them, to haſten the getting in of money, in ſuch manner as he directed. 2. Pleas and cauſes: though after the ſeparation of the common pleas from the king's court and palace, it was forbidden by the great charter, and afterwards by an ordinance, to hold common pleas in the exchequer, yet, in fact, ſome common pleas were ſtill holden; and the king ſometimes gave leave to particular perſons to bring their ſuits and recover their debts there. In ſuits moved between parties in the exchequer, the king granted preference to one perſon, namely, that he ſhould be paid before other creditors. 3. Under the head of buſineſs of various kinds, we may place conventions and recognitions, which were frequently made in the exchequer, and the preſentation and admiſſion of officers of the exchequer, as will be ſeen hereafter. Several officers of the exchange, and coinage of money, were from time to time preſented and ſworn in the exchequer, as well as ſome others, who were officers at large, as cuſtomers and commiſſioners of perambulation of foreſts. Particularly the mayor and chief officers of towns, eſcheators, etc. were preſented at the exchequer. The citizens of London, after they had choſen a mayor, uſed to preſent him yearly on the morrow of St. Simon and St. Jude, before the treaſurer and barons, who ſwore and admitted him to his office; ſo likewiſe their ſheriffs on the morrow of St. Michael: thus Nicholas Batt their mayor, 28 Hen. III. was preſented by the citizens; and 9 Edw. II. the mayor, etc. preſented their ſheriffs, Hamon Godchep and William Baddele. If the ſheriff of London did not come to the exchequer at the king's command, to take upon him the office of ſheriff, he was to be amerced. Sometimes ſheriffs of counties, under-ſheriffs of hereditary ones, etc, were ſworn in perſon at the exchequer. Several of the king's tenants in capite, by knight's ſervice, did their fealty; and others who held of the king in capite, by rent ſervice, paid their rent at the exchequer. Walter le Brun, farrier, at the Strand in Middleſex, was to have a piece of ground in the pariſh of St. Clement, to place a forge there, he rendering yearly ſix horſeſhoes. Mag. Rot. 19 Hen. III. This rent was anciently wont

to be paid at the exchequer: it is ſtill tendered there to this day by the mayor and citizens of London, to whom, in proceſs of time, the ſaid piece of ground was granted. During this ſecond period (as well as during the firſt) the chief juſticiary, the treaſurer, the barons, and council at the exchequer, did ſometimes act in affairs relating to the public peace, and to the government and defence of the realm. In general, the buſineſs and acts of the court of exchequer were wont to be entered or recorded in ſeveral rolls, the principal whereof were the Rotulus annalis, or Great Roll of the Pipe, of which I have ſpoken in the laſt coin-note; and therefore ſhall only add here, that the chancellor of the exchequer (who ſeems to have been appointed to be a check upon the treaſurer) from ancient time cauſed a counter-roll of the treaſurer's great roll to be made up every year. There are ſome of theſe Rotuli cancellarii more ancient than the reign of Henry III. This obſervation may ſerve to reſolve a doubt which the antiquaries have hitherto lain under: for example; there is in the Record-office in the Tower of London, a duplicate great roll of 6 Rich. I. and another of 7 John: and there is another of 3 John, in the cuſtody of the treaſurer and chamberlains of the exchequer. The great rolls of which ſeveral years are in the repoſitory of the Pipe. And in the ſame repoſitory there are two great roles of 4 John. Now all theſe duplicate rolls Mr. Madox takes to be rotuli cancellarii. The next records were the Memoranda, or Remembrances. A remembrance was anciently wont to be made for every year, in each of the remembrancer's offices. On the parts of the treaſurer's remembrancer, each yearly bundle contained ſeveral heads or titles, ſuch as Communia, the Common Buſineſs; Compota, or Accompts; Viſus, Views; Adventus, the Advents of the Accomptants; and other titles. So alſo the memoranda on the part of the king's remembrancer have the like heads or titles. Of the originals of the Chancery, which were wont to be repoſited in the treaſurer's remembrancer's office, I ſhall ſpeak hereafter. In the memoranda of the exchequer was entered great variety of buſineſs: for inſtance, the king's writs, and precepts of many kinds relating to the revenue, tenures, etc. commiſſions of bailywicks, cuſtodies, ferms, etc. preſentations and admiſſions of the officers of the exchequer, and other officers; pleadings and allegations of parties; judgments and awards of the juſticiary, the treaſurer and barons, and the king's council; recognitions of debts, and conventions of divers kinds; accompts, views of accompts, with ſeveral acts relating to accomptants; inquiſition of ſheriffs, eſcheators, etc. advents of ſheriffs, eſcheators and others, and in general, all thoſe things which were compriſed under the term Communia, or Common Buſineſs. There were alſo memorandums entred in theſe rolls "pro commodo regis," to controll accompts, or to ſave the king's rights, either by way of Memorandum pro rege, or of Loquendum cum rege, or cum juſticiario, or cum conciliq regis, etc. The judgments and awards of the chief juſticiary, and of the treaſurer and barons, were commonly entered in

in the rolls, in the terms "conſideratum eſt," or "concordatum "eſt per juſticiarium," or "per theſaurarium et barones;" and ſometimes "proviſum eſt," and "adjudicatum eſt." But other words were alſo ſometimes uſed, as "ordinarunt, præceperunt," etc. Theſe and the like terms were alſo uſed in other judicatures. In Glanvil it is ſaid, the tenant or defendant ſhould be diſcharged by judgment of the court, "per conſiderationem curiæ." lib. ii. cap. 18. In the buſineſs of the exchequer (as to pleas and accompts) there was frequent uſe of writs or letters from the king to the treaſurer and barons, ſignifying to them his pleaſure concerning matters depending before them: theſe paſſed under the great or the privy ſeal. Sometimes meſſages were brought by living meſſengers. The moſt frequent of theſe writs or meſſages were, to do juſtice or right to parties; to ſhew favour to parties; to give diſpatch to parties. In proceſs of time this correſpondence between the palace and the judicial courts, or the practice of ſending writs or other meſſages to the judges of the king's courts, was in many caſes forbidden by ſtatute. But this reſtriction was not till after the ſecond period, or the reign of Edward II. Thus much of the Buſineſs: I come now, III. to the Accompts of the Exchequer. As the ſheriffs were the moſt conſiderable accomptants to the crown, the method of accompts at the exchequer will be beſt learnt from thoſe of the ſheriffs. The accompt of a ſheriff was divided into certain formal parts; the Proſer, the Viſus compoti, the Summa or Making of the Sum. The Profer was a prepayment out of the ſheriff's ferm and corpus comitatus, and out of his proficuum and the ſummonces. It was probably called Proffrum, a proferendo. If this profer was not paid, the accomptants were amerced, or otherwiſe puniſhed. The Viſus compoti, or View of Accompt, was the entrance or fore part of the accompt, which ſtood "de bene eſſe," whilſt the ſheriff was purifying or liquidating his accompt, by producing his Warranta or Vouchers, by virtue whereof he was to have an allowance or diſcharge of any ſums charged on him. After the view was made, he proceeded to the Summa, to make or caſt his ſum, which was always at the end of his accompt. Another way of conſidering the manner of a ſheriff's accompt, is as it ſtands in the Great Roll. Wher he accompted as Firmarius, his accompt conſiſted of ſeveral parts, the Corpus comitatus, the Remanens firmæ, after Terræ datæ; the Crementum, if any; the Proficuum, or Firma de proficuo; the Iſſues of Eſchents and Purpreſtures, Fines, Oblatas, Amerciaments of divers ſorts, Eſcuages, Aids, Tallages, and Caſual Profits; Ferms or iſſues of Towns, Burghs, Gilds, or Lands, which were within the ſheriff's charge, and the like. The Corpus comitatus conſiſted of ſeveral manors and lands, which being let or committed together to the ſheriff, made the ſum out of which the annual ferm to the crown aroſe; theſe manors or lands lay within the ſheriff's county; but, by ſome accident, certain manors in Cornwal belonged to the ferm of Devonſhire. Mag. Rot. 5 Hen. II. In time, the kings charged the corpus comitatus with certain payments of alms

and liveries, called Eleemoſynæ and Liberationes conſtitutæ; and alſo granted away part of the lands. Hence came the diſtinction of the Terræ datæ: for when ſome of the lands, out of which the ſheriff's ferm aroſe, were granted away, it was fit he ſhould have allowance for ſo much as the terræ datæ bore in the corpus comitatus. The ſum to be anſwered for, after that deduction, was called Remanens firmæ poſt terras datas. The lands thus granted away were ſometimes ſaid to be "miſſæ extra comitatum." Beſides theſe, there was a third ſettled payment, viz. the Tertius denarius, wont to be paid by the ſheriff out of the corpus comitatus, to the earl of the county. There were alſo caſual payments, ſuch as occaſional proviſions or diſburſements of various ſorts. There was a way of computing the value of the ſeveral things that made up the corpus comitatus, viz. ſuch a manor or land, "portat in "corpore comitatus," ſo much. When the ſheriff was not the fermer, but cuſtos of a county, he did not anſwer in this manner, but was a kind of a Proficuarius, or Bailiff, and was to account for the Proficuum of his county, and to be diſcharged of the fermer. In entering the ſheriff's accompts in the Great Roll, by a proviſion in 54 Hen. III. the corpus comitatus was written firſt, then the ſettled alms and liveries, and the warrants for the ſheriff's diſburſements, etc. But 22 Edw. I. it was ordered that the corpus comitatus ſhould not be written every year afreſh in the Great Roll, but in a particular roll by itſelf, and out of that roll ſhould be read every year to the ſheriff upon his accompt: but that the remanens firmæ, after the terræ datæ, ſhould be written in the Great Roll. The ſheriffs generally accompted from Michaelmaſs to Michaelmaſs. Edward I. ordained that the ſheriffs ſhould be eſcheators in their reſpective counties. If a man held a bailywick, and executed it by a ſubſtitute, the immediate bailee was to pay the accompts of the iſſues of the bailywick. The ſtated accompts were rendered regularly in courſe every year. In general, accomptants were obliged to come in perſon to render their accompts. If they made an attorney, it was uſually by the king's leave, and afterwards by warrant of the treaſurer, chancellor, or barons, or one of them. Accompts were to be rendered at the exchequer upon oath. In ſome records mention is made of the accomptants anſwering "per "fidem," or "per verum dictum," which Madox imagined to be a Voir dire, or a Declaration upon their Faith or Allegiance. Where one was indebted to the king and likewiſe to another perſon, the king's debt was to be preferred in payment. If one was indebted to the crown, ſuch debtor could not make a will to diſpoſe of his chattels to the king's prejudice; nor could his executors have adminiſtration of his chattels, without permiſſion from the king, or the juſticier, or barons of the exchequer; and if it was doubtful whether the deceaſed's effects would ſatisfy the debts due to the king, it was uſual for the king to ſeize into his hands the chattels of the debtor. If the king's debtor was unable to ſatisfy the king's debt out of his own chattels, the king would betake himſelf to any third perſon

who was indebted to the king's debtor; and upon recovery of ſuch debt, the third perſon was acquitted againſt the king's debtor. The heir of the king's debtor was not to be diſtreined for the king's debt, in caſe the chattels of the king's debtor were ſufficient to anſwer it. The widow of the king's debtor was not to be diſtreined by her dower to anſwer the king's debt, in caſe the heir had ſufficient to anſwer it; neither were ſureties to be diſtreined ſo long as the principal debtor had wherewithal to anſwer the debt. By the ancient uſage of the exchequer, the king's debtors or accomptants were wont to have writs of aid to recover their debts of ſuch perſons as were indebted to them, in order to enable them to anſwer the debts they owed to the king. When the ſheriff or other officer having the ſummonce of the exchequer, had levied or received the debt due from any perſon to the king, he was to give the debtor an acquittance or tally of diſcharge, and afterwards acquit the debtor of ſuch debt at the exchequer. In caſe of diſtreſs, it was the duty of the ſheriff to ſell it at a reaſonable price; and to prevent frauds, by an ancient ſtatute, 27 Hen. III. certain perſons were to be aſſigned to approve the ſame to the ſheriff. Sheriffs were to notify the time of their accompting, to bailiffs of liberties, and other perſons concerned. The king's debtors found ſureties, if required: they were uſually called Plegii, Obſides, and Manucaptores. Sometimes the pledges were remarkably numerous. Writs of the great and privy ſeal were frequently uſed, both in reference to accompts and other buſineſs at the exchequer. Allowances or diſcounts were uſually made "per "warrantum," either by virtue of the king's writ, or by a writ or award of the chief juſticier or other baron of the treaſury. Hence aroſe the great number of writs of Allocate and Computate. Attermínations were given by the treaſurer and barons to the king's debtors, by virtue of the king's writ directed to them; and in like manner reſpites and diſcharges. By Attermination is meant, granting men ſeveral terms or days for payment of their debt, when they could not pay it at once. Sometimes men were diſcharged by the chief juſticiary, or by the treaſurer and barons, without any eſpecial writ. Sometimes both debts and accompts were diſcharged by the king's pardon. If upon the accompt viewed or ſtated, the crown was found indebted to the accomptant, the ſum in which the crown was ſo indebted, was called Superplus, or Superpluſage; probably becauſe it was ſo much more than the accomptant's receipts. If an accomptant did not come to render his accompts, or did not purſue the ſame in due manner, he was puniſhed by diſtreſs and ſeizure of land, and by amercement. If he did not anſwer the debts or ſums wherewith he was charged, he was committed to the Marſhalſea, or Fleet-priſon, or Tower of London. If accomptants departed from the exchequer before their accompts were ſpeeded, they were, if commoners, to be attached by their bodies: lords and others, who claimed to have franchiſes within their ſeigneury or liberty, were to come yearly to the king's exchequer, when the ſheriff of their county was paſſing his accompts; and then they were

to render an accompt there of the iſſue of their franchiſe, and were allowed ſo much as they were rightfully intitled to by charters from the crown. But if the ſaid lords and others failed to appear, etc. it was uſual for the king to ſeize their franchiſe. The accomptants at the time of paſſing their accompts, did ſometimes ſit upon a bench in the court of exchequer. As money was ſometimes paid in, ſo accompts were rendered at the Camera regis. Debts were put in charge many ways: by virtue of the king's writ; by writ or teſtimony of the juſticiary or baron; by judgment or award of the juſticiary, etc. in court; by the rolls or eſtreats of the juſticiers; by the acknowledgment of the parties; from the original of the chancery; and by other ways. The chancery, in the moſt ancient times, was uſually holden at the exchequer: or, many or moſt of the chancery-writs were then diſpatched and ſealed at the exchequer, where the great ſeal was commonly kept. When therefore the chancery was ſeparated from the exchequer, and the charters, writs, and precepts of the great ſeal came to be entered by themſelves in the Rotuli cancellariæ (ſuch as charter-rolls, patent-rolls, etc.) at or about the beginning of king John's reign; then, as it ſeems, commenced the method (which has been continued ever ſince) of ſending eſtreats from the chancery to the exchequer. In fact, from the beginning of king John's reign they wrote every year the ſaid Rotuli cancellariæ, and afterwards made eſtreats thereof; which eſtreats were tranſmitted into the exchequer, and were called Originale, or Originalia, and Extractæ cancellariæ. They were written out of the fine-rolls, patent-rolls, and other rolls of the chancery: and out of them fines, ferms, etc. were taken and put in charge at the exchequer for the king's profit. Eſtreats were alſo made of fines, amercements, and ſuch like, from the court holden "coram rege," or from the common bench, and from the iters, etc. Theſe were called the Foreign Eſtreats, and were ſent out in another ſummonce than that which was awarded for the debts contained in the originals. If theſe eſtreats were not brought in, in due time, a writ was iſſued to the perſons or juſtice before whom they lay, to bring them in. Tallies were of great and conſtant uſe in the exchequer, coeval with the exchequer itſelf in England: the word is French, and ſignifies Cutting. The tallies were pieces of wood, cut in a peculiar manner of correſpondency; for example, a ſtick or rod of hazel, or other wood, well ſeaſoned, was cut ſquare and uniform at each end, and in the ſhaft. The ſum of money which it bore was cut in notches in the wood, by the Cutter of the Tallies; and likewiſe written upon two ſides of it, by the Writer of the Tallies. The tally was cleft in the middle by the Deputy-chamberlains, with a knife and mallet, through the ſhaft and the notches; whereby it made two halves, each half having a ſuperſcription, and a half part of the notch or notches: a notch of ſuch a largeneſs ſignified M l. of another largeneſs, C l. etc. It being thus divided, one part of it was called a Tally, the other a Counter-tally, or a Tally and a Foil, Folium. Sometimes the parts were called Scachia and Contratallia. However theſe were in effect

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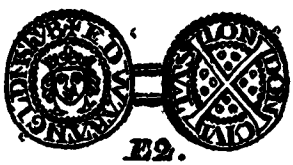
one tally, or two parts of one thing: and if they were genuine they fitted ſo exactly, that they appeared evidently to be parts the one of the other. Their uſe was to prevent frauds. Tallies had a ſuperſcripture, importing of what nature they were, and for what purpoſe given. Counters were ſometimes uſed at the exchequer in the way of computation: in which caſe the counters were laid in rows upon the ſeveral diſtinctures of the chequered cloth, viz. one row or place for pounds, another for ſhillings, etc. In the ſeventeenth of king John, ten ſhillings of Venetian money (valued at XV s.) and two beſants (valued at III s. and VI d.) were uſed at the exchequer for counters. Mag. Rot. 17 John, Rot. 6.

I come now in the laſt place to the officers or miniſters of the exchequer. The principal officers of the great or ſuperior exchequer were, the two Remembrancers, the Ingroſſer of the Great Roll, the Uſher, the Conſtable, the Marſhal, the Auditors, the Clerk of the Eſtreats. 1. There were anciently at the exchequer two Remembrancers: they were ſometimes called Rememoratores regis; in time one came to be called the King's, the other the Treaſurer's Remembrancer; and their offices were diſtinct, as appears by diſtinct bundles of Memoranda, which have been made up in their reſpective offices, and remain there from very ancient time to this day. In 6 Edw. II. Adam de Limburgh, one of the remembrancers, had XXL. yearly ſtipend allowed by the crown for executing his office; and William de Everdon, the other remembrancer, XL marks a year, for himſelf and clerks. Lib. 6 Edw. II. 2. The Engroſſer of the Great Roll was a moſt ancient and a conſiderable officer in the exchequer: though the name of this office does not occur in moſt ancient times after the Conqueſt, yet it is doubtleſs as old as the exchequer itſelf, that is, there was always ſome perſon or perſons employed to write the Great Rolls. In 19 Edw. II. the engroſſer and the treaſurer's remembrancers were allowed two clerks each, and were to receive an additional ſalary for their maintenance of twelve marks yearly. Trin. Com. 19 Edw. II. 3. The office of Uſher was a very ancient and hereditary office: he had ſeveral that acted under him in the great exchequer, in the exchequer of the Jews, and in the common bank: many curious and uncommon memoirs relating to this office occur in records. Vide Madox's Hiſt. Exch. p. 718. It was the uſher's duty to keep the exchequer ſafely, and to take care of the doors and avenues to it, ſo that the king's records might be in ſafety. He likewiſe tranſmitted the writs of ſummonces, which iſſued out of the exchequer for the king's debts, that is, cauſed them to be delivered to their reſpective ſheriffs to whom they were directed. This office was held of the king in capite by ſerjeanty. 4. The Conſtable of the exchequer was deputy to the conſtable of England, and was nominated by him. There can be little ſaid of his duty, only he ſeems to have had in ſome caſe, a concurrent or like power with the marſhal. In ancient time there was alſo a conſtable in the court of common bench who enrolled eſſoigns, and did other miniſterial acts. 5. The office of Marſhal of the exchequer is very ancient: he was appointed by the marſhal of England. Whilſt an account pended,

he had the keeping of ſeveral ſorts of writs and vouchers produced by debtors or accomptants: theſe he kept in ſarules or bins, or in filets or files, or in a purſe or bag. The Farulus mareſcalli is often mentioned in the exchequer-records. When an accomptant, having been ſworn to accompt, did not do it, or made default at any day prefixed to him, or did not duly anſwer the arrerages of his account, he was committed in cuſtody to the marſhal, to remain priſoner till the court made a receſs. The word Marſhal ſeems to have been ſometimes uſed with latitude: the perſons that were employed at the exchequer in arreſting accomptants or other delinquents, were ſometimes called by that name. 6. In proceſs of time there were officers at the exchequer called Auditores compotorum ſcaccarii. They ſeem to be firſt appointed in the reign of Edward II. being then called "clerici nuper deputati." The accompts of ſome parts of the revenue were before uſually audited either by ſome of the juſtices, or barons, or by clerks, or perſons aſſigned hac vice for that purpoſe, by the king, or the treaſurer and barons. 7. Little occurs within the time of the ſecond period, concerning the Clerk of the Eſtreats and Foreign Summonces. In 18 Edw. II. all the eſtreats which were in the cuſtody of the treaſurer's remembrancer, were, by command of the treaſurer and barons, delivered to John de Chiſenhale clerk of the ſummonces. 8. There was alſo a Clericum brevium de ſcaccario. He belonged to the office of chancellor of the exchequer. Amongſt the officers of the exchequer, during the ſecond period, may be reckoned the Chamberlains. In the firſt period, the chamberlains in fee, who were great officers in the king's court, ſometimes ſat and acted in perſon in the king's exchequer, and are numbered amongſt the barons there: but afterwards the chamberlains in fee uſually deputed others to execute their offices for them, both in the great exchequer and at the receipt. The perſons ſo deputed, were at firſt knights. In ſuch caſe the chamberlain in fee was to come regularly in perſon, and preſent his deputy to the treaſurer and barons; and thereupon the deputy uſed to be ſworn and admitted. But ſometimes he preſented his deputy by his ſteward, or other attorney; and ſometimes by letters patent, directed to the treaſurer and barons. Sometimes alſo he preſented his deputy to the king himſelf, and then upon the king's writ ſuch deputy was admitted. The treaſurer and chamberlains had under them certain clerks, who during their attendance on the king's buſineſs, were at livery or allowance from the king. Theſe clerks were uſually called, during the firſt period, Clerici theſaurarii et camerariorum, and Clerici de theſauro, or de recepta, without diſtinguiſhing them from one another by particular names of office. Hence hath ariſen ſome obſcurity. The clerici theſaurarii ſeem to have been the officers afterwards called Clerk of the Pells, Writer of the Tallies, etc. and induced all the officers of the receipts, except thoſe whoſe offices were ſerjeanties, or related immediately to the chamberlain's office. In the upper exchequer there are but few memorials concerning the officers or clerks of the receipt. The clerkſhip of the Pells is probably ancient. There is in the treaſury, at the receipt of exche-

quer,

quer, a pell, or it may be a counter-pell, of 9 Hen. III. In 35 Hen. III. the Pell Roll is called Magnus rotulus de recepta. In 28 Hen. III. Simon de Weſtminſter was choſen one of the Tellers of the Exchequer. At the receipt of exchequer were alſo ſome ſerjeanties, or hereditary officers, namely, a Peſor and Fuſor. The office of Peſor, Ponderator, or Weigher, was the ſerjeanty, which, in the fourth of king John, was veſted in Thomas de Windeſore, and remained in that family for ſome time afterwards. Another ſerjeanty was the Fuſorie. By Fuſor we are to underſtand Melter. One William was fuſor in the reigns of king Henry II. and Richard I. Concerning the Uſher of the Receipt, nothing remarkable occurs within this period. I ſhall conclude with a few inſtances of the allowance made to ſeveral miniſters of the receipt of exchequer, for their liveries and corrodies, and other neceſſaries. In 9 Hen. III. the liveries of the miniſters of the exchequer for fourſcore days, from the feaſt of St. Michael till Monday next after the feaſt of St. Lucius, were, to three ſcribes c s. to the two knights of the chamberlains VIII marks: to John de Windeſore IIII l. to John the fuſor II marks and a half: to Simon Druel II marks and a half: to the four tellers IIII l. to the vigil, and for light, X s. for a hutch to lay up the memoranda VII d. for rodds for the tallier V s. for parchment for the uſe of the chamberlains, and the chief juſticier's clerk, IIII s. for ink, during the whole year, III s. for litter for the chamber of the barons, and houſe of receipt, XII d. for neceſſaries for the ſaid chambers, XX d. for ten dozen of hutches, XX s. for wax, II s. for leather for the tallier, IX d. for a hutch to lay the inquiſitions in, II d. for the marſhal's hutch, XII d. for a ſack to put the allowed tallies in, XIIII d. for carrying and re-carrying the hutches, V s. for a tonell, to put in the D marks ſent to the king at Oxford, by R. biſhop of Chicheſter, XII d. for locks, bolts, and other ſmall expences, IIII s. Total, XXIIII l. XIII s. VIII d. Ex Pelle Receptæ de anno 9 Hen. III. Rot ult. indorſo, penes Theſ. et Camer.



EDWARD II.

Edward II's coins (if ever he coined any money, which Nicolſon ſays cannot be certainly affirmed) are in all reſpects like his father's, and diſtinguiſhed from them only by name, viz. EDWA. EDWAR. or EDWARD. ANGL. DMS. HYB. On the reverſe, the names of ſeveral cities in England and Ireland, as CIVITAS LONDON. LINCOL. DVBLIN. WATERFORD, etc. The title of Dominus Hyberniæ is never wanting on his coin. Nicolſon obſerves, neither our hiſtories nor laws afford us any light as to this king's money.

THE

THE

HISTORY

OF

ENGLAND.

BOOK X.

The Reigns of EDWARD III. *and* RICHARD II. *containing the Space of Seventy-three Years: with a Diſſertation on the Salic Law; and the State of the Church from* 1272 *to* 1399.

II. EDWARD III. ſirnamed OF WINDSOR.

1327. THE depoſing of Edward II. procured not the Engliſh all the happineſs they were made to expect. If they ſaw themſelves freed from the troubles that diſturbed the late reign, it was only to fall into a no leſs incommodious ſtate. The government of a weak and imprudent king was not more dangerous than that of a minor prince under the direction of a paſſionate mother and a young unexperienced miniſter, more preſumptuous and leſs able than the Spencers. Accordingly the people quickly found they had not gained much by the change. Happily for them Edward's minority

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minority was of no long continuance. As ſoon as the young prince had taken the government upon himſelf, he converted the misfortunes of the late reign into bleſſings, and the injuries received from France and Scotland into glory and triumphs. A remarkable inſtance, which ſhews that the proſperous condition of a ſtate depends leſs on its own ſtrength than on the prudence of him that ſits at the helm. This is what we are going to ſee in the preſent reign, which is juſtly ranked amongſt the moſt illuſtrious of the Engliſh hiſtory.

When the commiſſioners, ſent to Kenelworth, were returned with Edward II's reſignation, his ſon was proclaimed under the name of Edward III. and crowned a few days after [a]. The queen and Mortimer, whoſe intereſt it was to make the whole nation accomplices of their violent proceedings, affected on that occaſion to cauſe a coronation medal to be ſtruck, importing the univerſal conſent of the people to the preſent revolution: on one ſide was the young king crowned, laying his ſceptre on a heap of hearts, with this motto, POPVLO DAT IVRA VOLENTI. On the reverſe, a hand held forth as it were ſaving a crown falling from on high, with theſe words, NON RAPIT SED RECIPIT [b]. Edward III. proclaimed and crowned. J. Barnes. Walſing. Froiſſart.

Though Edward was but in his fourteenth year, he had already a mature judgment and a penetration uncommon to that age: however, in compliance to the laws of the land, the king muſt have governors, and the ſtate regents. The parliament choſe twelve from among the biſhops, earls, and barons, of whom Henry of Lancaſter was declared the chief [c]. The queen oppoſed not this nomination: but as ſhe had the power in her own hands, ſhe ſeized the government, and ſhared it only with her creatures. Roger Mortimer, whohad as The parliament names the regents. But the queen ſeizes the government

[a] He began his reign January 20, was crowned the 26th at Weſtminſter, by Walter archbiſhop of Canterbury, and on Candlemas-day received the order of knighthood from the hands of the earl of Lancaſter. Rymer's Fœd. tom. iv p. 222.

[b] This is Joſhua Barnes's account in his life of Edward III, who tells us he ſaw one of theſe medals at a friend's chambers in Gray's Inn. But biſhop Nicholſon thinks they were very widely miſtaken that firſt aſcribed theſe medals to that prince: for, as he ſays, there is nothing in the legend that looks that way, and the inſcribed figures are too bright for thoſe times, and ſavour of a much more polite age. Hiſt. Lib. part III. p. 250.

[c] There were five biſhops, two earls, and five barons: their names were, Walter Reynald archbiſhop of Canterbury, William Melton archbiſhop of York, John Stratford biſhop of Winchester, Thomas Cobham biſhop of Worceſter, and Adam Orleton biſhop of Hereford; the earls were Thomas of Brotherton earl marſhal, and Edmund of Woodſtock earl of Kent; the barons were, John lord Weſtern, Thomas lord Wake, Henry lord Percy, Oliver Ingham, and John lord Roſſe: beſides Henry earl of Lancaſter, Lincoln, Leiceſter, and Derby, who was reputed to have the chief care of the king's perſon. Leland's Collect.

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great an influence over her, as Spencer the ſon had over the late king, executed the office of prime miniſter, and managed the affairs of the kingdom according to his pleaſure. As the parliament was at the queen's devotion, ſhe procured the grant of a dower, exceeding two thirds of the revenue of the crown. At the ſame time, a hundred marks a month were aſſigned for the maintenance of the depoſed king. A ſum more than ſufficient for the expences of that unfortunate prince, who was treated in his confinement after a very indecent manner.

Walſing. De la M.

The parliament annuls the ſentences paſſed in the late reign. Act. Pub. IV. p. 245, 256, 257.

The animoſity ſhewn by the parliament in their proceedings againſt Edward II, encouraged ſuch as were ſufferers whilſt the Spencers were in power, to petition to be reſtored to their eſtates and honours: The parliament, willing to juſtify their late conduct, reverſed all the judgments paſſed in the foregoing reign, as well againſt the late earl of Lancaſter [d] and his adherents, as againſt thoſe that favoured the deſigns of the queen. It was pretended, they were contrary to law, and manifeſtly extorted by the credit of the favorites. Perhaps this gave occaſion to ſome hiſtorians to ſay, that Edward III. was pleaſed to begin his reign with a general pardon: But if by a general pardon be meant the reverſing the forementioned judgments, the honour of it is not to be aſcribed to the king. He not only did nothing of himſelf, but it is certain that herein the ſole motive was to diſparage the late government and favour the queen's party. For the ſame purpoſe, the king was perſuaded earneſtly to ſollicit the court of Rome for the canonization of the earl of Lancaſter, beheaded at Pontfract. He was made to ſay in his letter to the pope, that the miracles wrought at his tomb, were a clear evidence, his puniſhment was a real martyrdom. In fine, all the proceedings of the queen and parliament tended ſolely to juſtify their conduct with regard to the late king, which doubtleſs would have been deemed very criminal if it had not been crowned with ſucceſs.

The king demands the canonization of the earl of Lancaſter.

Ibid. p. 249, &c. 269.

The king of Scotland breaks the truce. Buchanan. Act. Pub. IV. p. 270, 281. Froiſſart, l. 1. c. 15.

The tranquillity England hoped to enjoy under the new king, who was in peace or in truce with all his neighbours, was diſturbed by an incurſion of the Scots on the borders. Robert their king, though in an ill ſtate of health, and of a great age, believed he ought not to ſuffer the minority of the king of England to paſs without reaping ſome advantage. He was afraid likewiſe that a too long repoſe might enervate his ſubjects. In his circumſtances, he thought it neceſſary

[d] And reſtored to his brother Henry all his eſtates. Rymer's Fœd. Tom. IV. p. 421.

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to keep them in breath, knowing they had to deal with formidable enemies, who in making a truce with them, had not departed from their pretenſions. Theſe are the moſt probable reaſons of the rupture, which Buchanan juſtifies only by ſaying, it is to be ſuppoſed that Robert was ſwayed by powerful motives. Be this as it will, he put Randolph, earl of Murray, and Sir James Douglas, at the head of twenty thouſand men, and ordered them to ravage the borders of England [c]. Edward could not hear the news of the irruption, without an eager deſire of ſignalizing himſelf in the defence of his kingdom. Though they who governed in his name had no inclination for war, they did not think it for their intereſt to ſuffer ſuch an inſult. Their authority might have been ſhaken, if on that occaſion they had ſhewn any ſign of weakneſs or cowardice. Buchanan. l. 8.

The opinion of the council being agreeable to the king's deſires, an army of ſixty thouſand men was raiſed, including the troops brought by John de Hainault into England. The whole army being come to York, Edward was going to head them, when a ſudden quarrel aroſe between the Engliſh and Hainaulters, wherein many were ſlain. As the Engliſh were the aggreſſors, juſtice could not be done to the foreigners, without diſpleaſing the army. So the court was forced to ſtay longer at York than was at firſt deſigned, in order to compoſe the difference, before they took the field. This delay gave the Scots time to paſs the Tine between Carliſle and Newcaſtle, and to ravage in a barbarous manner the country on this ſide the river. They had four thouſand men at arms: The reſt of the troops were mounted on little ſwift horſes, in order the more eaſily to make incurſions and reteat: The news haſtened the king's departure. Though he did not know exactly where the enemies were, he marched in queſt of them, guided only by the fire and ſmoak of the houſes, ſtill burning in the road. What ſpeed ſoever he made, he could not poſſibly overtake them. As they had no infantry, nor were encumbered with much baggage, they made ſuch extraordinary marches, that not only they were out of the reach of the Engliſh army, but at ſuch a diſtance that there was no tracing them. The uncertainty of the place where they were retired, cauſing the king to deſpair of meeting them, he called a council of war. Some confuſed advices making it thought, that the Scots had not yet repaſſed Edward raiſes an army. Walſing. Knighton. Froiſſart, l. 1. c. 18. Act. Pub. IV. p. 281, 287, 292. Echard. The Scots ravage the borders. Boeth. Buchanan.

[c] On February 2. they endeavoured to ſurprize the caſtle of Norham; but the governor, ſir Robert Manners, took ſome of them priſoners, and put the reſt to the ſword.

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the Tine, it was reſolved to expect them beyond the river, near the place where it was believed they would paſs in their return. This reſolve was put in execution; but the Engliſh army had no ſooner paſſed the Tine, than they were forced to go back again, not finding on the north of the river wherewithal to ſubſiſt.

During the time ſpent in theſe marches and countermarches, Edward, having never received certain intelligence of the enemy, was extremely uneaſy: As he knew not which way to go in ſearch of them, he ordered it to be proclaimed in the army, that whoever ſhould bring him certain news of the Scots, ſhould be made a knight, with a penſion of a hundred pounds ſterling. The hopes of ſo good a reward ſet ſo many on this ſearch, that it was not long before he had the deſired information [f]. But it was not without ſome confuſion that he heard the enemies, of whom he was ſo eagerly in queſt, were within two leagues. He marched immediately towards them, in expectation of fighting that very day. But he did not long enjoy the pleaſure of that expectation. The Scotch generals, who were not ignorant of his approach, had encamped over againſt Stanhope park, on a hill, at the foot of which runs the river Were, ſhallow indeed, but full of rocks, which rendered the paſſage very difficult. How deſirous ſoever Edward was of fighting, he was ſenſible, to his great ſorrow, that he could not attack them without expoſing his army to manifeſt danger. It was vexatious for a young prince, greedy of glory, to ſee the enemies ſo near, without being able to give them battle. He did not however quite deſpair of ſucceeding. As he judged of their courage by his own, he ſent them word, if they would come over the river, he would retire at a convenient diſtance, and give them time to paſs, and chuſe what ground they ſhould think proper; or elſe, on the ſame terms he would come over to them. The Scotch generals anſwered, That the Engliſh army being three times ſtronger than theirs, it would be great raſhneſs to accept the propoſal; that they were bent upon keeping their poſt, and it was the king's buſineſs to diſlodge them, if he thought it for his advantage to attempt it. However, as they were apprehenſive, that Edward, in amuſing them with his offers, intended to paſs the river at ſome other place, they retired in the night, and encamped in a more advantageous poſt than what they had left. Beſides, that they had ſtill the Were in their front, their flanks were defended

Edward overtakes them, but could not fight.

J. Barnes's hiſtory of Edward III. Walſing.

[f] It was brought by ſir Thomas Rokeby. Barnes.

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by inacceſſible mountains and bogs, which removed their fear of being attacked, though the Engliſh had paſſed the river elſewhere. Edward having notice of their motion, followed them, with the Were between him and the enemy, and having found them poſted in that manner, made them the ſame offer again, to which they returned the ſame anſwer.

Whilſt the two armies lay in ſight without being able to engage, Douglaſs paſſed the river at ſome diſtance from the two camps, with only two hundred horſe. With this little troop he ſtole into the Engliſh camp, and penetrated even to the royal tent; where he gave a terrible alarm. Probably his deſign was to carry off the king, but not ſucceeding, he retired without much loſs. At length, after both armies had kept their poſts a fortnight, the Scots decamped in the night, and by ſpeedy marches, which prevented the Engliſh from purſuing them, retired into their own country. They were now ſo far off, when Edward was told of their retreat, that he did not think fit to follow them. Several aſcribed to Mortimer the ill ſucceſs of the campaign, and ſuſpected him of holding intelligence with the enemy, to facilitate their retreat without fighting. Edward having nothing more to fear from the Scots, returned to York, extremely mortified at not being able to revenge himſelf. Upon his arrival at that city, he diſbanded his army, and after magnificent preſents, ſent back John de Hainault to his own country [g].

Bold action of Douglaſs. Froiſſart. Buchanan. Knighton.

The Scots retire.

Act. Pub. IV. p. 304.

Whilſt the young king was employed in this expedition, his father, ſtill cloſely confined in Kenelworth caſtle, led a melancholy life, not being ſuffered to take the leaſt diverſion. He wrote from time to time to his queen, intreating her to render his impriſonment more eaſy; but nothing was capable of moving that inexorable princeſs, in favour of a huſband, whom ſhe herſelf had reduced to that wretched condition without his deſerving, at leaſt from her, ſuch barbarous uſage. If ſhe had dared to follow her inclinations, ſhe would have left his letters unanſwered. But as it was her intereſt to deceive the public by this correſpondence, ſhe was very glad to continue it. She ſent him now and then ſome linen and cloaths, and other little preſents, to perſuade the credulous people ſhe ſacrificed her tenderneſs to the good of the ſtate. It was not ſo eaſy to deceive Edward himſelf, ſince he could not but be convinced that ſhe was the ſole cauſe of his misfortunes: Therefore ſhe never had the face to appear in

Tragical death of Edward II. De la M.

[g] About the middle of Auguſt. See Rymer's Fœd. Tom. IV. p. 304. He had returned back to Flanders after the coronation of king Edward, but upon the Scotch invaſion, was ſent for back again. See Froiſſart, l. 1.

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De la M. his ſight. She would not ſo much as permit the king, her ſon, to pay his reſpects to his unhappy father, for fear he ſhould learn what ſhe deſired he might be ignorant of as long as he lived: ſo, though the impriſoned king ardently wiſhed to ſee them both, and frequently aſked why they were ſo unkind as to deny him that comfort, he could never obtain it.

Mean time, the rigorous uſage of that unfortunate prince began to excite compaſſion in the breaſts of the Engliſh, who, De la M. Knighton. are naturally generous: Henry of Lancaſter himſelf, who had the cuſtody of him, relented daily to ſuch a degree, that he gave him ſome ſmall hopes of recovering his liberty; another motive beſides that of generoſity, influenced the earl; and that was, the irregular conduct of the queen, and the great credit of Mortimer, whoſe arrogance rendered him odious to all. As he took no care to hide his ſentiments, the queen and Mortimer ſuſpected him of a deſign to reſtore the old king. The ſuſpicion, whether well or ill grounded, produced a fatal effect, by determining them to prevent the imagined danger: To that end they reſolved to take the captive king out of the hands of his keeper, whom they ſuſpected, and entruſt him with ſuch as they could depend upon. Sir Walſing. John Maltravers and Sir Thomas Gurney, both of ſo bruţiſh a temper as was requiſite for the deſigns of thoſe that employed them, had orders to remove Edward from Kenelworth to Berkley caſtle. It was hardly poſſible for the unfortunate prince to fall into worſe hands. At firſt they carried him to Corſe, then to Briſtol [h], and afterwards to Berkley De la M. caſtle [i], which was to be his laſt priſon. In the journey they made him ſuffer a thouſand indignities, even to the cauſing him to be ſhaved in the open field with cold water taken from a ſtinking ditch [k]. What firmneſs ſoever he had hitherto ſhewn, he could not on this occaſion, help lamenting his misfortune and diſcovering his grief. Amidſt his complaints and reproaches againſt thoſe who uſed him ſo barbarouſly,

[h] Where he remained till it was found out, that ſome of the citizens had formed a reſolution to aſſiſt him in making his eſcape beyond ſea. De la Moor.

[i] Thomas Berkley, lord of the caſtle, treated the king with abundance of reſpect, which Maltravers and Gurney obſerving, they would no longer ſuffer him to have acceſs to the king's perſon. De la Moor.

[k] That he might thereby be the more diſguiſed, and not known to any they ſhould meet with, they made him likewiſe ride in the night, with very thin cloaths, and without any covering on his head; would never ſuffer him to ſleep; crowned him with hay, and offered him a thouſand indignities: They alſo attempted more than once to poiſon him, but the goodneſs of his conſtitution rendered all their wicked purpoſes ineffectual. De la Moor.

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he told them, that in ſpite of them, he would be ſhaved with warm water, and at the ſame time he ſhed a torrent of tears. His enemies hoped, the vexation and fatigue he was made to endure, would put an end to his days. But though they were ſerved with a barbarous zeal by theſe mercileſs gaurds, who, for that purpoſe, uſed the moſt cruel, as well as inſolent means, yet the goodneſs of his conſtitution prevented them from ſucceeding. Theſe wretches, finding their cruelties had not ſo ſpeedy an effect, ſent for freſh inſtructions, for which they were not made to wait long. They received orders to put that prince to death, who, tho' overwhelmed with miſery, cauſed continual fears in the authors of his calamity. It is ſaid that Adam Orleton, biſhop of Hereford, one of the queen's miniſters, ſent with the orders a Latin letter, wherein, by a ſhameful equivocation, he adviſed them at the ſame time to murder Edward, and exhorted them to refrain from ſuch a crime. And indeed, the words aſcribed to him, are capable of both theſe ſenſes, according to the difference of the pointing[1]. Theſe orders were no ſooner come, but the two keepers, knowing what they were to do, entered Edward's room to put them in execution. He being then in his bed, they laid a pillow on his face, to prevent his being heard; and then, with a cruelty not to be parallelled, thruſt a horn pipe up his body, through which they ran a red-hot iron and burnt his bowels. In this horrible manner did that miſerable prince expire amidſt ſuch violent pains, that in ſpite of the precaution of his murderers, his cries were heard at a diſtance. To conceal this execrable deed, the two executioners ſent for ſome of the inhabitants of Briſtol and Gloceſter, who examining the body, and finding no ſigns of violence, concluded he died a natural death. This account, which was carefully atteſted by witneſſes, was immediately diſperſed over the whole kingdom, that it might be known unto all.

De la M.

Ibid. Walſing. Knighton.

Sept. 21.

De la M. Walſing.

The misfortunes of this prince, whom his enemies ſo cruelly perſecuted, began to raiſe the pity of the Engliſh, after ceaſing to be formidable to them. But this pity was unactive, whereas their hatred never ſuffered them to reſt till they had entirely ruined him. Indeed it would be difficult to juſtify his whole conduct, but they cannot be charged with being prejudiced in his favour, who aſſure us, his faults were diſproportionate to his puniſhment. He was a ſufferer himſelf for not having the reſolution to puniſh his favorites,

[1] "Edwardum occidere nolite timere, bonum eſt.
"Edwardum occidere nolite, timere bonum eſt.

vorites. An important leſſon for all princes, but which few are ſo wiſe as to learn. The compaſſion for his ſufferings, which could not always be concealed, roſe to that height, that after his death he was reverenced as a ſaint; ſo eaſily do the people run from one extreme to another. His body was immediately buried, without any funeral pomp, in the abbey church at Gloceſter: However, ſome time after, the king his ſon ordered a ſtately tomb to be erected for him in that church. So far were his murderers from receiving for their parricide the reward they expected, that they were forced to fly beyond ſea to avoid puniſhment. The very perſons that employed them affected to cauſe diligent ſearch to be made after them, to cover the ſhare they had in the crime. Three years after, Gurney was ſeized at Burgos, and by order of the king of Caſtile carried to Bayonne, from whence Edward commanded him to be conveyed to England. But by ſome practices, not fully cleared in hiſtory, he was beheaded at ſea [m]. Maltravers ſpent his days in exile, in ſome place in Germany, where he had retired: But divine vengeance ſtopped not at the puniſhment of theſe two villains; the queen, Mortimer, and their accomplices felt likewiſe its effects. Perhaps too we are to conſider as conſequences of the ſame vengeance, the violent or untimely deaths of almoſt all the deſcendants of Edward III, as well as the civil wars wherewith England was afflicted in the reigns of that prince's poſterity, as will be ſeen hereafter [n].

Act. Pub. tom. iv. p. 337. De la M.

Gurney taken and beheaded. De la M. Walſing.

1328. Marriage of Edward III. Walſing. Act. Pub. tom. iv. p. 306, 313.

The death of Edward II. ſuppreſſed all the commotions which began to be obſerved in the kingdom. The king his ſon finding himſelf more eaſy, ſince by the death of his father, which he believed natural, he was cured of all ſcruples upon his account, took this opportunity to ſolemnize with Philippa of Hainault, his marriage concluded by the

[m] For fear he ſhould accuſe thoſe great perſons that had ſet him to work, as Sir Thomas Moor well obſerves, and Walſing. p. 128.

[n] A parliament was held this year at Lincoln, on September 15. Rymer's Fœd. Tom. IV. p. 301. and another at Weſtminſter, November 13, beſides that mentioned above, wherein the king reſtored London to its antient liberties, that had been forfeited, it ſeems, upon account of the late inſurrection, wherein Walter de Stapleton was beheaded, and granted it new ones. Walſing. p. 128. Namely, That the mayor of London for the time being, ſhould ſit in all places within the liberties, as the king's chief juſtice; and that every alderman, who had been mayor, ſhould be always juſtice of the peace, within his own ward. He alſo granted unto the citizens, the free-farm of London for three hundred pounds per ann. And that the lawful franchiſes of the city ſhould not be ſeized into the king's hands, but only on occaſion of abuſe or miſuſe, or for treaſon or rebellion, countenanced or done by the whole city. Farther he ordained, that Southwark ſhould be under the government of the city, &c. J. Barnes, p. 23.

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queen his mother at Valenciennes. The ceremony was performed at York, where the king came in his return from his campain. Shortly after the new queen was crowned with the uſual ſolemnities.

After the rejoicings for the king's marriage and the queen's coronation were over, Edward called a parliament at Northampton [o], to conſult about two momentous affairs. The firſt concerned the regency of France, which he claimed after the death of Charles the Fair, his uncle, who died in the beginning of this year. Of this I ſhall ſpeak in another place. The ſecond was the peace with Scotland, propoſed by king Robert. Queen Iſabella and Mortimer, who held the reins of the government, believing a war was againſt their intereſts, were very eager for a peace. On the other hand, the king of Scotland perceiving he was no longer able to bear the hardſhips of war, deſired to ſpend the reſidue of his days in peace: Beſides, as his infirmities warned him of his approaching death, he was very glad to prevent, by a peace with the Engliſh, the accidents which a war might cauſe during the minority of his ſon David, who was but ſeven years old. The parliament being entirely in the queen's intereſt, it was not difficult to obtain their conſent, to enter upon a treaty, which both parties were equally deſirous of concluding. The queen-mother and Mortimer in behalf of the Engliſh, and Douglas in the name of the king of Scotland, were the managers of the affair. A peace was quickly made and confirmed by the marriage of David, prince of Scotland, with Joanna [p], ſiſter of Edward, though they were both children.

The Engliſh, for the moſt part, were very uneaſy to ſee a treaty begun, by which, in all appearance, they could reap no advantage. However, their uneaſineſs would have been removed, by the hopes of the repoſe it was to procure them, if to haſten the concluſion, Iſabella and Mortimer had not yielded to the king of Scotland ſuch advantages, as he could not have expected, even after the gaining of many battles. By their advice, Edward renounced all his pretenſions to Scotland, both with regard to the ſovereignty and the propriety [q],

[o] The king conſults the parliament about the peace propoſed by Scotland. Act. Pub. tom. iv. p. 340. Walſing. Buchanan.

[p] Peace between England and Scotland. Walſing. Buchanan. Act. Pub. tom. iv. p. 354.

[q] Edward quits all claim to Scotland. Act. Pub.

At the ſame time he reſtored to Robert all the charters and inſtruments which might prove the ſovereignty of the kings of England over that kingdom. Among theſe inſtruments was the famous act, called Ragman's Roll, ſigned by John Baliol, and all the barons of Scotland; wherein were contained the rights of the crown of England. This was followed by the reſtitution of the crown, ſcepter, jewels *, which Edward I. had carried away from Edinborough, and of every thing in general which might any way teſtify the ſovereignty of England over Scotland. Had all this been done from a motive of juſtice and equity, to repair in ſome meaſure the injuries done by Edward I. to the Scots, inſtead of being thought ſtrange, ſuch a chriſtian conduct ought to have been highly commended. But as people were fully convinced that the queen and Mortimer acted not from ſuch a motive, and beſides were prepoſſeſſed in favour of the ſovereignty eſtabliſhed by Edward I, every one was extremely diſpleaſed with the reſtitution. They ſaid, "This was "dearly purchaſing a peace, neither honorable nor ne"ceſſary; that by this ſhameful treaty, all the money "expended, and all the blood ſpilt, in the conqueſt of "Scotland, were rendered entirely fruitleſs: That the "queen, who under colour of the king her huſband's "incapacity, had diveſted him of his authority, plainly diſ"covered, how unable ſhe was herſelf to govern the ſtate; "and that the faults committed by Edward II. during his "whole reign, were nothing in compariſon of what ſhe had "done the very firſt year of her adminiſtration." Notwithſtanding all theſe murmurs, the queen and Mortimer had credit enough with the parliament to cauſe the peace to be confirmed, and the ſum of thirty thouſand marks, which Robert promiſed to pay within three years, to be conſidered as a ſufficient compenſation for whatever was reſtored to Scotland. Thus it frequently happens, that the very perſons who pretend to reform the government by extraordinary methods, ſhew afterwards, that they had nothing leſs in view than the public good, which ſerved them for a pretence.

In conſequence of the treaty, the nuptials of Joanna the king's ſiſter were ſolemnized at Berwick. Shortly after Mortimer, as a reward for his late pretended ſervice to his maſter, was made earl

He reſtores all that Edward I. had taken from Scotland. J. Barnes.

The Engliſh murmur.

Buchanan. Act. Publ. tom. iv. p. 384.

Nuptials of the princeſs Joanna. Walſing. Knighton.

* Particularly one of great value, called the Black Croſs of Scotland. By this treaty alſo no Engliſhman was permitted to hold lands in Scotland, unleſs he would live there, and the king of Scotland renounced all claim to Northumberland and Cumberland. Knighton.

March

March in full parliament. John of Eltham, the king's brother, was created earl of Cornwal; and James Butler, earl of Ormond.

Henry of Lancaſter and ſome other lords [a], came not to this parliament; they were diſſatisfied that the queen-mother and Mortimer uſurped all authority, contrary to the intent of the parliament, that nominated twelve barons to manage the public affairs. The tragical death of Edward II. and the late treaty with Scotland furniſhing them with a plauſible pretence to complain, they had now begun to hold private conferences, and to project a reformation of the government. As ſecrecy was very difficult, in a confederacy where they intended to engage a great many perſons, the queen and Mortimer had ſoon notice of it. The earl of Lancaſter, whom they conſidered as author of the plot, and head of the male-contents, was the firſt victim they reſolved to ſacrifice to their ſafety. An accident that happened ſhortly after afforded them an opportunity, which they believed they ought to embrace, to accompliſh their deſign. The earl had a private quarrel with the lord Holland [b], whom he looked upon as a mortal enemy to his family, and one of the principal authors of the death of earl Thomas his brother. Some threats he let fall againſt his enemy, induced ſir Thomas Wythers, one of his domeſtics, to revenge his maſter. Preſently after the breaking up of the parliament, Wythers killed the lord Holland, and took refuge in the earl's palace at Lancaſter, from whence repeated orders from court were not able to force him. The queen and earl of March were not ſorry that their enemy gave them ſo plauſible a pretence to exaſperate the king againſt him. They repreſented to him of what importance it was not to ſuffer a ſubject, of what quality ſoever, to protect criminals, and ſtop the courſe of juſtice: That it was acting the ſovereign, and there was danger, that thoſe who aſſumed ſuch a power intended to enlarge it at the expence of the royal authority, and were contriving to diſturb the peace of the kingdom. By theſe provoking diſcourſes, they perſuaded the young king to reſolve to chaſtiſe the diſobedience.

Diſcontent of ſome lords. Walſing. Knighton.

Walſing. Ypodig. Henry of Lancaſter is attacked by the queen. Dugdale, vol ii. p. 73. Knighton. J. Barnes.

She ſtirs up the king againſt him.

When the earl of Lancaſter knew they deſigned to attack him, he prepared for his defence, and formed an aſſociation,

He prepares for his defence. League againſt the court.

[a] Particularly Thomas Lord Wake, Edmund Plantagenet, earl of Kent, and Thomas de Brotherton, earl of Norfolk. Knighton, Walſing.

[b] Robert de Holland. The riſe and advancement of this lord, was, by his being ſecretary to Thomas earl of Lancaſter, whom he deſerted after the battle of Burrough-Bridge. Dugdale, Knighton.

which was entered into by Edmund earl of Kent, and Thomas earl of Norfolk the king's uncles, the lord Beaumont, judge Truſſel, and ſome other lords, who unanimouſly reſolved to ſtand upon their defence, in caſe they were attacked. At the ſame time they publiſhed a manifeſto, containing the motives of their armament, all drawn from the public good and grievances of the kingdom. They ſaid, they had taken arms, I. To oblige the queen-mother to refund into the public treaſury, the revenues ſhe had cauſed to be aſſigned her, far exceeding the uſual dowry of the queens. II. To put a ſtop to the exactions and incroachments of thoſe who governed in the king's name. III. To bring to condign puniſhment the betrayers of their country, in the late war with Scotland. IV. To make inquiry by what means the ordinance of parliament, eſtabliſhing twelve barons to govern the ſtate, during the king's minority, was not executed. V. To cauſe ſtrict inquiſition to be made concerning the death of Edward the king's father, after he was, by private orders, taken out of the cuſtody of thoſe, to whom he was committed by the parliament. VI. To bring thoſe to an account who had ſeized the treaſures of the late king. VII. To cauſe the public to be informed by whoſe advice the king, during his minority, had renounced all his pretenſions to Scotland, and given up all the charters and inſtruments thereof. VIII. Laſtly, To call thoſe to an account who adviſed the king to marry the princeſs his ſiſter to David Bruce, mortal enemy to the Engliſh nation.

A manifeſto publiſhed. J. Barnes.

Theſe articles, copies whereof were carefully diſperſed all over the kingdom, ſenſibly touched the queen and the earl of March, who were very plainly marked out. But inſtead of vindicating their conduct, which indeed could not be eaſily done, they took another courſe, and intimated to the king, that they who had taken up arms, fought to wreſt the crown from him. They maliciouſly inſinuated that his two uncles, and Henry of Lancaſter, grandſon of Henry III. had formed the project of excluding the iſſue of Edward II. from the throne, of which that prince was declared unworthy; as if the faults of the father were to reflect on the children. The young king, who had no ſuſpicion of the queen his mother, giving ear to this accuſation, reſolved by force of arms to bring perſons to their duty, whom he now conſidered as rebels. He even began his preparations to execute his deſign. In all likelihood the affair would have been attended with fatal conſequences, if Simon de Mepham, archbiſhop of Canterbury, had not zealouſly interpoſed to ſtop theſe commotions.

The king reſolves to puniſh the male-contents. Walſing. Knighton.

The

The archbiſhop artfully hinted to the queen, that the manifeſto of the male-contents was ſo plauſible, and ſuch the grievances complained of, that it was to be feared the whole nation would join with them. The queen readily apprehended the archbiſhop's hints, and believing the attempt to reduce them by force, would be as dangerous for her as the male-contents, ſhe was prevailed with to end the affair by an agreement, to which the male-contents were not very averſe. As their party was not yet ſtrong enough to carry things to the point they deſired, their intent in publiſhing the manifeſto, was only to convince the queen of her great danger in endeavouring to cruſh them. So, without inſiſting any further on their grievances, they accepted the pardon procured them by the archbiſhop, on condition of certain fines, and the baniſhment of Beaumont, Truſſel, and the murderer of the lord Holland, who were excepted in the pardon. On this occaſion the earl of March pretended to be a friend to the princes, but harboured in his breaſt a lively reſentment againſt them, to which the earl of Kent fell a ſacrifice.

The male-contents accept of a pardon. Knighton.

Robert, the brave king of Scotland, did not long enjoy his late glorious peace with England. He died [u] ſedate and eaſy, with the comfort of having freed Scotland from the dominion of the Engliſh, and of ſeeing his own family ſettled in the throne. The Scots very juſtly rank him among their moſt illuſtrious kings, as the reſtorer of their monarchy. On his death-bed, he recommended three things to the perſons he had appointed regents, during the minority of his ſon David, then but eight years old: The firſt, never to hazard a battle in the kingdom: The ſecond, to make no long truces with the Engliſh, in caſe the two nations ſhould come to a rupture. The third, to have always an eye upon what paſſed in England, for fear of being ſurprized unprepared.

1329. Robert king of Scotland dies, and is ſucceeded by David his ſon. Buchanan. Walſing. Froiſſart. l. 1. c. 21.

The earl of March, ſtill ſupported by the queen-mother, ſaw himſelf raiſed ſo high, that he acted more like a ſovereign than a miniſter. He diſpoſed of all the offices, as well as of all the public revenues, with an authority joined to an arrogance very common to favorites, and which contributes no leſs than their advancement to render them odious. His extraordinary credit rouſed the jealouſy of the Engliſh, who were not changed ſince the depoſing of Edward II. and had no greater eſteem for the new favorite, than they had for Gaveſton and Spencer. Among thoſe who diſcovered their

Earl of March becomes more and more odious. Walſing. Knighton.

[u] June 7, ſays Walſing. p. 127. but it was the 9th according to Buchanan, of a leproſy: And was buried at Dumferling. Knighton. Col. 2555. Froiſſart. l. 1. c. 21. ſays he died November 7.

The earl of Kent is dissatisfied. Ibid.

sentiments the most freely, Edmund earl of Kent, the king's uncle, was the principal. This prince, as well as Edward II, his brother, had no great genius for public affairs, but was naturally sincere and generous. He had, however, suffered himself to be deceived by the artifices of Isabella, when he joined with her against his own brother, never imagining she would have carried things so far. When once he was engaged in that party, the suddenness of the revolution which happened immediately after, would not permit him to recede. The government was changed before he had time to reflect on the consequences of the queen's undertaking. The disorderly behaviour of that princess, the arrogance of the favorite, the sudden death of the king, and the ill management of the public affairs, at length opened his eyes. He perceived with grief the injustice of the plot he had unhappily engaged in. A generous man cannot, without pain, conceal his sentiments. The earl, little versed in the maxims of politics, was not careful enough to hide his uneasiness at past transactions, and at what he saw every day. He had joined with Henry of Lancaster during the late commotions, thereby shewing, it was not his fault that the present scene of affairs was not altered. This was sufficient to induce Isabella and the earl of March to hasten his ruin for fear of being prevented. To that end, they laid for him the most extraordinary snare imaginable, in which it is amazing he should suffer himself to be taken. As his conduct was unblameable, it was necessary, in order to destroy him, so to manage it, that he should render himself criminal, that his ruin might be thought the less strange. For that purpose his two adversaries, by some who feigned to be his friends, insinuated to him, that Edward II. his brother, was still alive, and reported to be dead only to prevent the troubles his friends might excite: That he was strictly guarded in Corfe castle, and suffered to be seen by none but his domestics, who were confined with him. The pretended secret was supported with divers circumstances, and confirmed by the testimony of several persons of distinction; among whom were two bishops who were deceived as well as Edmund, or helped to deceive him. He had himself assisted at the funeral of his brother. But what he now heard, joined to a like report, spread at the court by the artifice of his enemies, and to his desire that the thing might be true, easily induced him to believe, he might possibly have been deceived by counterfeit obsequies. In this belief, he resolved to free the pretended prisoner from his captivity.

[illegible] ...ceep ...orti... ...y a for prince.

He is made to believe that Edward II. is still alive. Walsing.

He resolves to free him.

He

He was however in ſuſpence on account of his oath to the king his nephew, but was quickly eaſed of that ſcruple. It is ſaid, that being commiſſioned to go to the pope, and demand the canonization of the late earl of Leiceſter, he took that opportunity to conſult John XXII. upon the affair. It is added, but how truly, I know not, that the pope not only approved of his project, but charged him to execute it under pain of excommunication. When Edmund found himſelf ſupported by ſuch an authority, all his ſcruples vaniſhed. So, without farther conſideration, he departed from Avignon, bent upon freeing the king his brother, whom he imagined to be ſtill in priſon. However, as this belief was grounded only upon report, he ſent a truſty friar to Corfe, to be aſſured of the truth. The contrivers of the plot had taken care to have it whiſpered about in the country, that Edward was ſtill a priſoner: So the monk, upon his coming into thoſe parts for private information, found that the inhabitants of the neighbourhood believed it. Prepoſſeſſed by theſe falſe rumours, the friar, pretending buſineſs with the governor of Corfe, aſked him, whether there was really any foundation for what was reported of Edward? The governor, who had received his inſtructions, returned ſuch an anſwer as confirmed him in his opinion. It is even ſaid, that he ſhewed him, but at ſome diſtance, a perſon ſitting at table, who was ſerved with great reſpect, and by that means entirely convinced him, that he was not deceived. Edmund being confirmed in his belief by the friar's report, came himſelf to Corfe, and without ſhewing the leaſt doubt, demanded to be conducted to his brother's apartment. The treacherous governor pretending to be ſurprized at his knowing the ſecret, did not deny that Edward was in the caſtle; but told him, he had poſitive orders to let no perſon ſee him. This confeſſion made Edmund repeat his inſtances, but finding the governor inflexible, he gave him a letter for the priſoner, wherein he aſſured him, he would do his utmoſt to procure his liberty. The letter was immediately carried to the queen, who ſhewed it to the king her ſon, magnifying his danger from his uncle's practices. It was not difficult for her to obtain the king's leave to ſecure the prince's perſon. He was far from ſuſpecting his mother to be herſelf the author of this plot. As ſoon as the king had given his conſent to what was propoſed, meaſures were taken to apprehend Edmund at Wincheſter, where the parliament was aſſembled. His impeachment being brought before the peers, his own letter was produced, which he could not diſown: Nay, he confeſſed

Walſing. p. 129.

He is apprehended, Act. Pub. tom. iv. p. 424, 430.

Knighton, Walſing.

confeſſed that ſeveral lords, and particularly the archbiſhop of York and biſhop of London, were concerned in the plot, or at leaſt had adviſed him to haſten the execution [w]. Upon this confeſſion, which ſhewed a ſettled deſign to change the government, he was condemned to loſe his head [x]. The execution ſoon followed the ſentence. All that day the king was ſo beſet by the queen his mother, and the earl of March, that none could approach him to ſue for the pardon of a prince ſo nearly related to him. It is even affirmed, that he knew nothing of the ſentence paſſed upon his uncle, or of his execution till it was too late. Be this as it will, Edmund was brought upon the ſcaffold to ſuffer the puniſhment to which he was condemned: But the executioner ſtealing away, he ſtayed from noon till evening before any could be found to perform his office. At laſt, towards night, one out of the Marſhalſea ſevered his head from his body [y]. Thus died that prince, in the 28th year of his age [z]. He left two ſons, who died young, and two daughters, the youngeſt of whom was the greateſt beauty of her time. Her ſecond huſband was the famous prince of Wales, her couſin, eldeſt ſon of Edward III. Edmund was the only perſon proſecuted for the imaginary crime for which he ſuffered death; though, according to his depoſitions, ſeveral others ought to have undergone the ſame puniſhment. But the authors of the plot wanted no other ſacrifice. Beſides, they took care not to examine matters too ſtrictly, for fear of giving occaſion to

condemned and executed, March 19. Walſing.

[w] Walſingham gives the following account of Edmund's confeſſion before the parliament: On the ſixteenth of March, 4 Edward III. he confeſſed that a certain Frier-Preacher of London told him, that he had conjured up a ſpirit, who aſſured him, that Edward his brother was yet alive. Alſo, that ſir Ingram Barenger brought him a meſſage from William lord Zouche, deſiring he would aſſiſt in his reſtoration. Likewiſe, that ſir Robert Taunton came to him from the archbiſhop of York, to encourage him, by aſſuring him that he had in readineſs five thouſand men to carry on the work. Alſo, that ſir Fulk Fitz-Warin told him, that it would be the greateſt honour that ever could happen to him, in caſe he appeared in the attempt; promiſing his beſt aſſiſtance. Moreover, that ſir Ingram Barenger came to him again from ſir John Peche, letting him know how he ſhould have his help. And that Henry lord Beaumont, and ſir Thomas Roſſelyne at Paris inſtigated him thereto, ſaying, they were ready to come into England to his aid. Laſtly, that the ſaid ſir Ingram came to him another time at Arundel, into his bed-chamber, and aſſured him of the biſhop of London's help. T. Walſ. p. 110.

[x] He was accuſed of high-treaſon, in the parliament that was ſummoned at Weſtminſter, on the Sunday before March 13, and on the next day was, by the judgment of his peers in parliament, condemned to die. Rot. Clauſ. 4 Edw. III. M. 41. Dorſ.

[y] Rapin by miſtake ſays, one of the guards of the Marſhalſea, but Knighton ſays, it was one of the priſoners, who did it to ſave his own life, on the eve of St. Cuthbert, or March 19. Col. 2552.

[z] He was privately buried in the church of the Friers-Predicant. Dugdale's Baron.

diſcover

diſcover what it was their intereſt to conceal. It is even very probable that ſeveral of thoſe impeached by Edmund were his betrayers, employed by his enemies to hurry him into deſtruction.

Before I proceed, it will be neceſſary to ſpeak of Edward's affair with France during his minority. Not only the order of time requires it, but it is very proper to clear beforehand the origin of an affair which is to be the principal ſubject of this prince's majority. To that end I muſt reſume the account of the diſputes between the two crowns, where I left off in the reign of Edward II.

Affairs of Edward with France.

The laſt treaty made at Paris, by the mediation of Iſabella, did not fully end all the differences between Edward II. and Charles the Fair. The queen, who had only in view the project ſhe had formed againſt the king her huſband, did not think it her intereſt to diſcuſs all the articles included in theſe diſputes. She was too apprehenſive of raiſing ſome obſtacles to her principal deſign. On the other hand, king Charles, who was in poſſeſſion of the Agenois, did not think proper to urge, himſelf, any farther diſcuſſion of matters. So the ſentence paſſed at Paris, in the affair of St. Sardos, which condemned the Gaſcon lords to baniſhment; and decreed the demoliſhing of their caſtles, was ſtill in force: But the treaty concluded by the queen, preſerved Edward's pretenſions entire, and left him free to proſecute his right in the court of peers. The reſignation of Guienne had occaſioned freſh difficulties: Edward II. pretended, that Charles in receiving the homage of the prince his nephew, obliged himſelf to reſtore that whole province, which the king of France denied.

Edward III. was no ſooner on the throne, but by advice of his parliament, he ſent [a] ambaſſadors to France, to make an agreement between the two crowns: Shortly after a new treaty was concluded [b], containing theſe ſix articles.

New treaty made at Paris. Act. Pub. IV. p. 279.

I. That both ſides ſhould reſtore whatever was conquered during the war.

II. That Edward ſhould pay the king of France fifty thouſand marks ſterling, to ſatisfy him for his charges on occaſion of the rupture.

III. That a general pardon ſhould be granted by both parties.

[a] John Stratford, biſhop of Winchester; William Ayremine, biſhop of Norwich; John de Bretagne, earl of Richmond; John de Hainaut; and Hugh Audley. Rymer's Fœd. tom. iv. p. 264, 270.

[b] It was concluded at Paris, March 13, 1326-7. Ibid. p. 281.

IV. That

IV. That the king of France ſhould pardon the felony of the Gaſcon lords, as to life and limbs, on condition they ſubmitted to baniſhment.

V. That Edward ſhould undertake to demoliſh their caſtles.

VI. That this treaty ſhould be of no effect, unleſs ratified by the king of England before Eaſter [c].

The court of England was too deſirous of peace, to neglect the performance of the laſt article. So there was a good intelligence between the two crowns, during the reſt of that year, both kings taking care to avoid all occaſions of a freſh rupture.

Death of Charles the Fair.

Hardly was this affair ended, when a new and more important occaſion of quarrel engaged the two kingdoms in a war, which cauſed torrents of blood to be ſpilt, and brought France in the end to the very brink of deſtruction. Charles the Fair dying on the firſt of February, 1328, without male-iſſue, and leaving Joanna his queen big with child, there aroſe a great diſpute concerning the regency of the kingdom, during the queen's pregnancy. Edward [d] laid claim to it as nephew and neareſt relation of the deceaſed king: But Philip, ſon of Charles de Valois, and couſin-german of the ſame king, maintained he had an inconteſtable right to the regency. He founded his claim upon the Salic Law, which in his opinion debarred the females and their deſcendants from the ſucceſſion to the crown; whence he inferred that neither had they any right to the regency in prejudice of the male-line. The point was decided in favour of Philip by the peers of France, who adjudged him the regency till the queen was delivered. It was partly on this occaſion that Edward called the parliament at Northampton, on account of the peace with Scotland. He laid before them his reaſons for claiming the regency of France, the injury he pretended was done him in preference of Philip de Valois; and the diſadvantagious conſequence that might be drawn from his excluſion, with reſpect to the crown of France, in caſe the child, the queen was big with, ſhould not live, or be a daughter. Hiſtorians do not poſitively ſay, what the parliament's opinion was in this ſo nice an affair. But as the members were at the devotion of the queen-mother and the earl

Mezerai.

Froiſſart, l. 1. c. 22.

Edward and the earl of Valois diſpute about the regency.

It is adjudged to Philip.

[c] It is in the original, the Tueſday after the octaves of Eaſter, i. e. the Tueſday after a week after Eaſter. Ibid.

[d] King Charles deſired, that if his queen were brought to bed of a ſon, Philip de Valois ſhould be his tutor and regent of the kingdom, till the young prince ſhould come of age. Froiſſart, l. 1. c. 22.

of

of March, very probably they were no more ſcrupulous with reſpect to the affairs of France, than they had been concerning thoſe of Scotland. There were much more plauſible reaſons to diſſuade Edward from making war with France: The difficulty of the undertaking, the ſtrength of that kingdom, the king's youth, were objections not eaſily to be anſwered. Beſides, it might ſo happen, that the preparations to ſupport the king's claim, would be fruitleſs, if the queen-widow ſhould be delivered of a ſon. In ſpite of theſe reaſons, it was not poſſible to perſuade the young king to relinquiſh a right which he thought very juſtly belonged to him. However, as he was ſtill a minor, he perceived it would be very difficult effectually to oppoſe the advice of the queen his mother, his council, and the parliament. But if he tacitly deſiſted from his pretenſions to a regency which was about to expire, it was otherwiſe with regard to the crown itſelf, in caſe the point in queſtion was not decided by the birth of a prince. This appears in ſeveral of his letters to certain lords of Guienne, dated the 28th of March, about a month before queen Joanna's delivery. On ſuppoſition ſhe was brought to bed of a daughter, he told theſe lords, his intent was to uſe all poſſible means to recover the rights and inheritance of the queen his mother. Act. Pub. tom. iv. p. 344, &c.

In April, Joanna was delivered of a princeſs, whoſe birth would from that moment have occaſioned a bloody war, if Edward had been in condition to proſecute his pretenſions. He demanded however the crown of France by his ambaſſadors: But Philip cauſing himſelf to be crowned, by vertue of the judgment that gave him the regency, the Engliſh ambaſſadors were not heard. I ſlightly paſs over theſe things, becauſe it will be neceſſary to ſpeak of them more largely hereafter. It ſuffices at preſent to know that Edward, not having it in his power to puſh the affair, thought proper to let it lie dormant till a more favourable opportunity. Several pieces in the Collection of the Public Acts, ſhew, this was his intention, and that his ſilence argued nothing leſs than a deſign to depart from his right. We ſee there, that immediately after the coronation of Philip de Valois, he began to take meaſures for the war againſt him. His alliance about this time with the duke of Brabant, and ſeveral lords who engaged to ſupply him with troops, is a clear evidence he was meditating ſome grand deſign, and his letters to the lords of Guienne, ſhew it was againſt France. In theſe letters, dated September 16, 1328, he poſitively ſaid, his intent was to recover his mother's inheritance. Now at that time he had no

The queen delivered of a daughter. Edward demands the crown. Philip is crowned. Froiſſart. Ibid. Edward hides his deſign. Act. Pub. IV. p. 568.

quarrel

quarrel with France, wherein the queen his mother was particularly concerned. The inheritance he mentioned, concerned therefore the whole kingdom of France, ſince his conteſts with Philip about Guienne, had no relation to Iſabella's right.

Philip ſummons Edward to do homage. Froiſſart, l. 1. c. 25.

Philip de Valois being engaged in the beginning of his reign, in a war with the Flemings, was in no haſte to demand Edward's homage for Guienne and Ponthieu. It was not till April 1329, that he cauſed him to be ſummoned [e] to appear and do homage in perſon [f]. In Edward's preſent diſpoſition, he would have gladly been excuſed from paying homage to a prince, whom he conſidered as an uſurper of his right. But his council reflecting on his youth, and the ſtate of the kingdom full of male-contents, could not think of approving a refuſal, which probably would throw him into great difficulties. On the other hand, the queen his mother and the earl of March, did all that lay in their power to prevent a quarrel with Philip. They repreſented to him, that he would infallibly loſe all his dominions in France, if he unadviſedly diſcovered his pretenſions to that kingdom, before he was ready to ſupport them. But theſe remonſtrances would perhaps have had little weight with him, if for his ſatisfaction there had not been deviſed an expedient, unbecoming indeed the ſincerity kings ought to profeſs, but which his youth and paſſion permitted him not to examine too nicely. It was ſuggeſted to him, that by proteſting beforehand againſt the homage, it would be no detriment to his claim. Purſuant to this advice, he made, by a procurator, the following proteſtation before his council: "That for any homage "whatever to be made to the lord Philip de Valois, (now "bearing himſelf king of France) by king Edward of Eng-"land, for the dukedom of Guienne, and earldom of Pon-"thieu, he did not thereby intend to renounce his hereditary "right to the realm of France, or any ways derogate from the

Edward privately proteſts againſt the homage.

[e] P. Daniel ſays, he cauſed king Edward to be ſummoned twice; firſt, by Peter Roger, abbot of Feſcamp, who was afterwards pope, by the name of Clement VI, but he had no audience from the king, only from the queen-mother, with whom nothing could be agreed on. So after the ambaſſador's return, Philip de Valois ſeized the revenues of Guienne and Ponthieu. Soon after that he ſent four other embaſſadors to renew the ſummons. Theſe king Edward received very civilly, and promiſed to come over to France in a ſhort time. Which accordingly he did, about ſix or ſeven months after. Vol. iv. ad an. 1328.

[f] In a letter dated at Wallingford, April 14, which contains his anſwer to Philip's ſummons, he tells him that he intended long ago to have come over to France, and paid him his duty, but had been hindered; however, he would come and do it with all convenient ſpeed. Rymer's Fœd. tom. iv. p. 381.

"ſame;

" ſame; even though letters thereupon ſhould be ſigned with " either of his ſeals. And he did farther proteſt, that he " would not do any homage to the lord Philip of his own " free will, but only for the juſt fear he had of loſing the " ſaid duchy and earldom, and becauſe he was afraid that " he could not avoid other great dangers and irreparable " loſſes." This declaration was ſigned by the king and council, but was not communicated to Philip's envoy. He only received a general anſwer, that the king would perform as ſoon as poſſible what he owed the crown of France.

How unwilling ſoever Edward was to do homage, he reſolved upon it, for fear of making known by his refuſal, a deſign which it was not yet proper to diſcover. To make himſelf amends in ſome meaſure for the mortifying ſtep he was forced to, he ordered a great number of lords to attend him, and with a very ſplendid equipage, and a retinue of a thouſand horſe, came to Amiens, where Philip expected him. On the day appointed for doing his homage, he appeared before the king of France, in a robe of crimſon-velvet, embroidered with leopards of gold, his crown on his head, his ſword by his ſide, and gold ſpurs on his heels. The king of France received him ſitting on his throne, his crown on his head, his ſceptre in his hand, and a robe of blue velvet, powdered with flower-de-luces of gold. By him were the kings of Navarre and Majorca [g], all the peers and principal lords of France, whom he had expreſly ſent for, to be witneſſes of this authentic homage. Before Edward's arrival, Philip pretended this ſhould be a liege homage [h], as indeed it ought to have been. But in the conferences before the ceremony, matters were otherwiſe ſettled. Edward proteſting he was not perfectly informed of the manner of the homage, offered to do it in general terms. However, he promiſed upon his honour, that if, upon conſulting his records, he found the homage to be full, he would give letters patents of it under his great ſeal. Upon that condition, Philip conſented to receive the homage in general terms. This was really the manner wherein Edward did it, whatever ſome French hiſtorians may have ſaid to the contrary, who doubtleſs were miſled by bad memoirs. Edward's hiſtorian ſays likewiſe, upon no better grounds, that the king of France was going to order him to be ſeized, but that the biſhop of Lincoln gave his maſter notice of it, who withdrew without taking leave. This cannot be true, ſince Philip could not have taken that reſolution, but upon Edward's refuſing to do full homage,

Act. Pub. IV. p. 383, 387. Froiſſart, l. 1. c. 25. Homage done by Edward to Philip. Act. Pub. IV. p. 390. J. Barnes. c. 3.

Act. Pub. IV. p. 384. Froiſſart, ibid. Serres. Barnes.

[g] And Bohemia.

[h] Full, or liege homage, was done bare-headed, and ſword ungirt.

and yet it is certain he was very willing to receive it in general terms: Nay, they had several conferences together after the ceremony. Before they parted, it was agreed that Edward should send ambassadors to France, to finish what the late treaty had left undecided.

1330. Sequel of the affairs of Edward with France. Act. Pub. IV. p. 392, 411, 413, 427.

As Edward stood disposed with regard to the king of France, he was not very forward to send the promised declaration. On the contrary, he tried to gain time, by proposals of a double marriage of his brother and sister, with the son and daughter of Philip. He even kept at London almost a a year, on divers pretences, ambassadors sent to press him to perform his promise. During that time, Edward was very urgent in his turn with the king of France, to end their differences about Guienne, as was agreed at their late interview. It was easy to see Edward sought only to prolong affairs. Accordingly Philip, who impatiently bore all these delays, sent him word that he would not be his dupe. He dispatched into Guienne the earl of Alenzon his brother [i], who took and demolished the castle of Xaintes, and plundered Burg. These hostilities, which Edward did not expect, produced a new treaty between the two monarchs [k]. Edward positively promised to send the declaration of homage, to pay the fifty thousand marks sterling owing to France, and sixty thousand Parisian livres, for the assignment made him by the king his father, of Guienne. Moreover, he promised to see the castles demolished belonging to the Gascon lords, condemned in the reign of Charles the Fair. Shortly after the conclusion of the treaty, he sent the king of France letters-patents under his great seal, to confirm and specify the homage he had done at Amiens. He expressly declared the homage was to be deemed full; and that the homages which he himself or successors, dukes of Guienne and earls of Ponthieu, performed hereafter, should be done in the same manner, and with the same formalities as the king of France had expected. In these letters there was a pattern how the homage was to be performed. After he

Ib. p. 437, &c. 443.

Edward declares the homage to be full. Act. Pub. IV. p. 478. Froissart, l. 1. c. 26.

[i] Taking occasion of some hostilities committed on the French territories, by king Edward's subjects, who fortified themselves in the castle of Xaintes. Contin. Nangil.

[k] But before that, king Edward called a parliament, in the beginning of this year, to take the affairs of Guienne into consideration: There it was resolved, that he should proceed with the king of France, by way of amicable treaty. The laity then promised him an aid, if a rupture should happen with France; and he sent to the clergy, March 18, to obtain the same grant from them. See Rymer's Fœd. tom. iv. p. 428, 433. There was another parliament at Winchester, March 21. 1334.

had ſent this authentic declaration, he took a journey to France, under colour of performing a vow. He ſaw Philip, and obtained of him an abatement of thirty thouſand livres Tournois, for the damage done to Burg and Xaintes, and an abſolute pardon for the condemned Gaſcon lords. Let us leave a moment Edward's affairs with France, to ſee what paſſed in England during theſe negotiations. We ſhall ſoon have occaſion to reſume the ſequel of theſe affairs, which are the principal ſubject of this reign.

New agreement between the two kings. Act. Pub. iv. p. 480, 484. Du Tillet, p. 47.

It was ſhortly after his return from Amiens, that Edward began, as it is ſuppoſed, to be ſuſpicious of the queen his mother's conduct[1]. When it was perceived at court, that the king grew weary of being under the guardianſhip of his mother and the favourite, their enemies failed not to do all that lay in their power to make them ſuſpected. So many things deſerving his attention were inſinuated to him, that he reſolved at length to have perfect information of his affairs. Thoſe to whom he applied, cauſed him to obſerve, "That "the earl of March affected to out-ſhine his ſovereign, by a "magnificence too ſplendid for a ſubject: That he diſpoſed "of all the offices of the kingdom to his creatures: That he "was abſolute maſter of the fortune of the Engliſh, calling "down ſome, and raiſing others, according as they appeared "for or againſt his intereſt: That by his private orders Ed- "ward II. was murdered: That the earl of Kent loſt his "life by his ſecret practices: Finally, That very probably "the queen and her miniſter had formed the deſign of ſecur- "ing the royal authority, by keeping him always a minor." Some add, it was intimated to him, that the queen his mother was big with child by Mortimer. What they ſay is not unlikely, ſince, according to the teſtimony of Froiſſart, the report of her being with child was ſpread over the kingdom. Theſe informations entirely convinced the king of what he had hitherto only ſuſpected. He called to mind the ſudden death of his father; the beheading of the earl of Kent his uncle; the diſhonourable peace he was made to conclude with Scotland; the extravagant dowry of the queen his mother; the credit, riches, and pride of the earl of March; and abhorring thoſe who made the public good a pretence to gratify their paſſions, he reſolved to puniſh them. However, he carefully concealed his purpoſe, till an opportunity offered of acting without danger to himſelf. To

Downfal of queen Iſabella and Mortimer. Knighton. Walſing.

Informations given the king.

l. i. c. 24.

[1] It is very probable he was ſuſpicious of her, before his journey, as appears by an order he gave Ralph de Nevil to array the militia. Rymer's Fœd. tom. iv. p. 441.

Walſing. execute his deſign, he choſe the time, the parliament was to meet at Nottingham. The court being come to that town, queen Iſabella and the earl of March lodged in the caſtle, with a guard of one hundred and eighty knights [m], whilſt the king, with a ſmall retinue, was lodged in the town. In ſpite of theſe precautions, which ſeemed to ſhow that the queen and her favourite were not without their uneaſineſs, Edward, having gained the governor [n], entered the caſtle through a ſubterraneous paſſage, and came into his mother's apartment, accompanied with Montacute, and ſome other officers all bent to loſe their lives in his ſervice. There was at firſt ſome noiſe made, and two knights of the guard were killed, who having leſs reſpect for the king than their companions, offered to reſiſt. The earl of March was apprehended, and notwithſtanding the queen's cries and intreaties to ſpare the gallant Mortimer [o], he was carried out the ſame way the king came in, and conducted under a ſtrong guard to the Tower of London [p].

Act. Pub. iv. p. 452. Edward ſeizes Mortimer, and ſends him to the Tower.

He calls a new parliament. Ibid. p. 453.

This maſter-piece of policy ſucceeding ſo well, the king diſſolved the parliament, and ſummoned another. As the late parliament had not regarded ſo much the public good, as the intereſts of the queen and the earl of March, the king complained, in his ſummons, of the members, and took occaſion to exhort the people to chuſe repreſentatives who had the good of the ſtate more at heart. The parliament met at London, with diſpoſitions very different from thoſe of the

[m] The queen had the keys of the caſtle brought to her every night, and laid them under her pillow. Stow.

[n] He iſſued out warrants to all the ſheriffs, for apprehending the earl of March, Sir Oliver de Ingham, and Sir Simon de Bereford, bearing date Octob. 20, at Nottingham. Rymer's Fœd. tom. iv. p. 452. And on November 3, ſummoned all perſons whatſoever, that had any complaints to make againſt Mortimer, and the reſt, to come and lay them before the parliament. Ibid. p. 453.

[o] Her words were, "Bel-Fitz, Bel-"Fitz, ayez pitie du gentile Mortimer."

[p] This was done on the 19th of Oct. Knighton, col. 2556. Beſides Sir William de Montacute (afterwards earl of Salisbury) there were with the king, Sir Humphrey de Bohun, Sir Edward and Sir William, his brothers; Sir Ralph de Stafford, Sir William de Clinton, Sir John Nevil of Hornby, Sir William Eland, etc. The paſſage under ground is called Mortimer's Hole. The two knights that were killed were, Sir Hugh de Turplington, ſteward of the king's houſhold, and Sir Richard Monmouth, according to the Fœdera, tom. iv. p. 475, 505, but according to Dugdale and Barnes, Sir John. For this piece of ſervice, the king granted Sir William de Montacute, one thouſand pounds per ann. Rot. Par. Knighton. Sir John Nevil, two thouſand marks per ann. in land; namely, the manors of Lodres, Pholipſton, More, Up-Wynburn, and Winterburn-Houton in Dorſetſhire; and Chelreis in Berkſhire. Rymer, ibid. p. 487. Robert de Bohun, four hundred marks; Robert de Ufford, three hundred, and John de Nevil, two hundred. Rot. Par. 4 Edw. III. n. 13.

former.

former. Moſt of the members pleaſed to ſee the kingdom freed from the tyranny of the earl of March, aimed only at the reformation of what was amiſs in the government, and the puniſhment of the favorite, according to his crimes; the common fate of favorites and miniſters who abuſe their power. How great ſoever they may be, they muſt expect to ſee themſelves abandoned by all whenever their affairs begin to decline.

In his ſpeech to the parliament, the king complained in general of the queen and Mortimer. After which, he ſaid, that with the conſent of his ſubjects, he deſigned to aſſume the reins of the government, though he was not yet arrived at the age preſcribed by the law. The parliament gladly conſented, all the members being equally ready to ſecond his deſigns [q].

Edward being thus freed from his governors, his firſt care was to ſeize the exorbitant dower of the queen his mother, and reduce it to a penſion of three thouſand pounds a year [r]. At the ſame time ſhe was confined to her houſe at Riſings, near London, leſt by her intrigues ſhe ſhould excite new troubles. Mezerai was miſtaken, when he ſaid, Edward haſtened his mother's death. It is certain, ſhe lived twenty-eight years in her confinement, where the king her ſon viſited her once or twice every year, more out of decency than affection.

The queen is confined to Riſings. Walſing.

Abregee, &c. Ann. 1328.

As for the earl of March, he was treated with the utmoſt rigor. His impeachment, brought before the parliament, contained divers articles, of which theſe were the principal:

The earl of March is condemned and executed Knighton. col. 2556. Walſing.

Whereas, it was ordained in the parliament next after the king's coronation, that four biſhops, four earls, and ſix barons, ſhould remain with the king to adviſe him; and that one biſhop, one earl, and two barons ſhould be conſtantly with him; he uſurped to himſelf the royal power, and the government of the realm, and ſet John Wynard and others about the king, ſo that he could do nothing but only as a man under guard or reſtraint.

He forbad by the king's writ, that any ſhould come with force and arms to the parliament at Salisbury, yet came him-

[q] At the ſame time, the king reſumed into his hands, all the grants that had been made during his minority. Rymer's Fœd. tom. iv, p. 406. It does not appear from whence Rapin was informed of the king's making a ſpeech to the parliament, it not being uſual in thoſe days for the king to ſpeak in perſon from the throne but by his miniſters.

[r] Rapin by miſtake ſays, five hundred pounds. See Knighton, col. 2556. He moreover granted her afterwards, viz. September 4, 1334, the earldom of Ponthieu and Montreuil, during her life. Rymer's Fœd. tom. iv, p. 625.

felf armed with others of his party; wherefore the earl of Lancafter and others would not be there; and when the bifhops were affembled in a houfe to confult about the king's affairs, he broke into the houfe, and threatened the prelates with life and member, if they did any thing contrary to his pleafure. In the fame parliament he caufed the king to make him earl of March, and to give him lands in difherifon of the crown.

He led the king againft the earl of Lancafter, and other peers who were appointed to be with the king, and forced them to fubmit to the king's grace, faving to them life and member, and that they fhould not be difinherited, nor have too great a fine fet upon them; yet he caufed them to be fined to half the value of their lands, and others to be driven out of the nation, and their eftates feized.

He caufed in a deceivable manner the earl of Kent to be informed, that the king's father was alive when he was dead; and when the earl endeavoured to difcover the truth, he caufed him to be condemned to death in the parliament at Weftminfter.

He particularly made difcord between the king's father and his queen; and poffeffed her, that if fhe went to him fhe would be killed with a dagger, fo that fhe would not come to her liege lord, to the great difhonour of her fon and felf, and great damage of the whole realm, perhaps in time to come *.

He had caufed to be taken for himfelf and party, the king's treafure in money and jewels, as much as he pleafed, fo that the king had not wherewithal to pay for his vittuals. He alfo fhared between him and his confederates, the twenty thoufand marks paid out of Scotland.

He caufed the king to agree to the mounting of two Irifh chevaliers, being of thofe that had killed the great men of Ireland, who were in the king's faith, whereas the king fhould have revenged their death, rather than pardoned them.

He contrived to deftroy the king's fecret friends in whom he moft confided, and furmifed before the queen-mother, the bifhops of Lincoln and Salifbury, and other counfellors, that they had excited the king to continue with his (Mortimer's) enemies beyond fea, to the deftruction of him and the queen his mother, and this he affirmed fo impudently to the king, that he could not be believed againft what he faid.

* Rapin in abridging that article, has too plainly expreffed the criminal converfation between the queen and the earl, which is here rendered in the article at large.

For theſe things and many others, not as yet fit to be declared, he had been apprehended.

Theſe articles being examined by the earls, barons and peers, they were declared to be notorious, and known to them and all the people. So he was condemned to die without any farther proof [t]. His ſentence, which ran, that he ſhould as a traitor, be drawn and hanged on the common gallows at Tyburn [u], was executed without the leaſt favour. There was this remarkable in his ſentence, that he was condemned without being heard, as he himſelf had ſerved the Spencers. But this irregularity proved advantagious to his family. For Roger his grandſon obtained afterwards an act to reverſe his ſentence as erroneous. We ſhall ſee in the ſequel of the hiſtory, his deſcendants by the female-line mount the throne of England. The article of his impeachment concerning his commerce with the queen, is a clear evidence, how much the whole kingdom was offended at their familiarity. If it had not been notorious, there is no likelihood that the parliament would have wounded that princeſs's honour ſo deeply, which could not but reflect on the king her ſon. They who have endeavoured to vindicate her, by the little probability that a princeſs of ſo high a rank ſhould ſo far forget herſelf, did not conſider that a few years before, the three daughters-in-law of Philip the Fair were as regardleſs of their reputation, by the confeſſion of all the hiſtorians. Froiſſart. l. i. c. 24.

Thus Edward began betimes to wipe out the blemiſhes which had ſullied his minority, and in taking upon him the government, gave happy preſages of the glory and proſperity of his reign. For a farther addition to the public happineſs, heaven bleſſed the young monarch with a ſon, whom the queen brought this year into the world [w]. He was called Edward after his father, and became in his time the moſt il- Birth of Prince Edward.

[t] The earl of March left four ſons, of whom Edmund his eldeſt died in the flower of his age, and left his ſon Roger, who was reſtored to his grandfather's eſtates and honours. The earl had alſo ſeven daughters, Katharine wife of Thomas de Beauch mp, earl of Warwick; Joan married to James lord Audley; Agnes to Lawrence de Haſtings earl of Pembroke; Margaret to Thomas ſon and heir of Maurice lord Berkley; Maud to John ſon and heir of John de Charleton lord Powis; Blanch to Peter de Grandiſon; and Beatrix firſt to Edward, ſon and heir to Thomas of Brotherton earl marſhal, ſon of Edward II. and afterwards to Sir Thomas de Broſe. Dugdale's Baron. vol. i. p. 146, 147.

[u] On November 29. Knighton, col. 2419. Walſing. p. 130. At a place then called Elms, now Tyburn. His body, after hanging two days and two nights, was granted to the Friars minors who buried it in their church, now called Chriſt-Church.

[w] He was born at Weſtminſter, Jan 15. Walſing.

luſtrious and moſt accompliſhed prince England had ever produced *.

The king forms the project of conquering Scotland.

After Edward had aſſumed the adminiſtration of affairs, people were impatient to ſee what courſe he would take. His courage, his abilities, and his active ſpirit, made them believe he would not, like the king his father, chuſe an indolent life. It was much more likely he would imitate his grandfather Edward I. France and Scotland were equally concerned to obſerve his firſt proceedings. France might be apprehenſive, he would renew his pretenſions to the crown, obtained by Philip de Valois to his prejudice. Scotland had no leſs reaſon to fear, he would break through the diſhonorable treaty, wherein he was engaged by the queen his mother and Mortimer, during his non age. Though the king of Scotland was his brother-in-law, it was known in thoſe days, as well as at preſent, that the bond of affinity is not always a ſufficient bar to the ambition of princes. And indeed, Edward had in view theſe two grand deſigns. But it was not poſſible for him to engage at once in two ſo conſiderable undertakings. He reſolved therefore to begin with Scotland, that he might, after ſubduing that kingdom, attack France with the united forces of the two nations which divided Great Britain.

Act. Pub. iv. p. 325.

The peace concluded two years before with Robert Bruce, ſeemed to lay an inſuperable obſtacle in his way. But ambitious princes always find pretences enough to gratify their paſſions. Edward had one, which to him appeared juſt, or at leaſt ſufficient to authorize his attempt upon Scotland; namely, that he was betrayed by his mother and miniſters in the late treaty with Robert Bruce. But how ſpecious ſoever this reaſon might ſeem to him, he did not think proper to uſe it, till he was almoſt ſure of the ſucceſs of his enterprize.

He makes uſe of Baliol to compaſs his ends. Rymer. Knighton. Walſingh.

To compaſs his ends, he made uſe of Edward Baliol, ſon of John Baliol, placed on the throne of Scotland by Edward I. and afterwards depoſed as a puniſhment for his pretended rebellion. It was now thirty-eight years ſince his father was dethroned. After ſo long an interval, the ſon, who, ſince the death of his father, led an obſcure life in France, little expected to ſee the king of England preſs him to proſecute his right to the crown of Scotland. This however, was by Edward's order inſinuated to him by the lord Beaumont, who

He ſtirs him up to a ſort his right, and promiſes to ſee him.

* This year the art of wearing woollen-cloth was brought from Flanders into England, by John Kemper, to whom the king granted his protection; and at the ſame time invited over fullers, dyers, &c. See Rymer: Fœd. tom. iv. p. 496.

ſince

ſince his baniſhment reſided in France. Beaumont repreſented to him, that he had a fair opportunity to mount the throne of Scotland, uſurped by the Bruces: that David's minority afforded him a juncture which would not eaſily be met with again: in fine, that the king of England was inclined to ſecond his endeavours. Baliol lent a ready ear to ſo flattering a propoſal, and to be certain himſelf how far he might rely on the king, came to England [v], where he kept himſelf concealed. During that time, he treated with Edward by the mediation of Beaumont, concerning the terms on which he was to engage in the enterprize. Edward's hiſtorian labours to vindicate the king in a proceeding ſo contrary to ſincerity, and the late treaty with Scotland. But they who are not concerned to defend his reputation, will hardly deny, that ambition was the ſole or real motive of his conduct. It is but too probable, that the proſpect of an acquiſition like that of the kingdom of Scotland, made him overlook his ſcruples on that account. Of this I ſhall hereafter give more than probable proofs. J. Barnes.

The two parties came to an agreement without much difficulty. Baliol thought he could not purchaſe too dearly a crown, to which he would never have dared to aſpire, without being aſſured of a powerful aſſiſtance. On the other hand, Edward, who minded his own, more than the concerns of Baliol, and intended to reap all the benefit of the enterprize, ſcrupled not to promiſe ſtill more than Baliol durſt have expected. The articles of their agreement were no ſooner ſettled, but the Engliſh nobles were privately told, that in ſerving Baliol, they would pleaſe the king. This was ſufficient to engage in his party thoſe, who having received lands in Scotland by the bounty of Edward I. had afterwards loſt them by the revolutions in that kingdom. Beſides this aid, Baliol could alſo depend in Scotland itſelf upon the aſſiſtance of the old friends of his family, who found it their intereſt to ſupport him. And indeed, the placing this prince on the throne, was the only way to recover the offices and poſts they were removed from, after Robert Bruce's advancement. Baliol prepares for his expedition. Act. Pub. iv. p. 536.

Whilſt Baliol was making his preparations, Edward pretended punctually to obſerve the peace with Scotland, and iſſued out upon that account ſeveral orders, which were not well executed. He even publiſhed a proclamation againſt ſuch as were engaged in the ſervice of Baliol. But this ſtep Edward pretends to keep the peace with Scotland. Act. Pub. iv. p. 538.

[v] There is a ſafe-conduct for him to come to England, dated at Woodſtock, July 20, 1333. Rymer's Fœd. tom. iv. p. 415, 452.

was taken when they were ready to depart, and it was too late to prevent them. His ſole aim was, to make the public believe, he was not concerned in an undertaking, of which indeed he was the real author.

1332. Baliol lands in Scotland. Boeth. Buchanan. Knighton. Walſing. He gains four battles.

As ſoon as Baliol was ready he embarked his little army, conſiſting but of two thouſand five hundred men, and landed at Kinghorn, near Perth, from whence he ſent back his ſhips. He was willing by that to ſhow his troops, they had nothing to truſt to but their valour. Mean while, his preparations could not be ſo private, but the Scots had intelligence thereof. Hardly were his men landed, when he heard that Alexander Seaton was coming to give him battle, at the head of ten thouſand men. All means of retreat being taken from the Engliſh, they had no hopes of ſafety but in victory. Accordingly, expecting their enemies with a noble reſolution, they fought with ſuch uncommon bravery, that the Scotch general, with an army much ſuperior, was ſhamefully and intirely routed [z]. The earl of Fife, who followed Seaton with a ſtill more numerous army, willing to revenge this diſgrace, had no better ſucceſs. After theſe victories, Baliol advancing into the country, met with another body of Scotch troops, whom he likewiſe defeated. Five days after, he fought Nigrel Bruce, who came to attack him with ten thouſand men. In this laſt action he gave no quarter, becauſe he would not be incumbered with priſoners.

He becomes maſter of Perth. Knighton.

Four battles loſt in ſo ſhort a ſpace, throwing the Scots into the utmoſt conſternation, Baliol had time to beſiege Perth, called alſo St. John's Town, of which he eaſily became maſter. He found there a great quantity of warlike ſtores and proviſions, which he wanted extremely, in order to make farther progreſs. His affairs obliging him to remove from Perth, Patrick Dunbar, earl of Marche, took advantage of his abſence, and beſieged the ſame town. But upon the firſt news of Baliol's marching to relieve it, he haſtily raiſed the ſiege, though his army was ſuperior in number. Such terror had their former loſſes ſtruck into the Scots.

David king of Scotland retires into France.

Baliol's good fortune failed not to produce the uſual effects. Great numbers of lords and gentlemen of the country came and ſwore fealty to him. This defection, which threatened king David with a greater, obliged the young prince to fly with his queen into France, it being unſafe to remain any longer in their kingdom. Mean time, to influence the affairs

[z] This battle was fought at Gledeſmore, near St. John's town, on the 31th of Auguſt.

of

of Scotland, Edward so managed it, that several private persons fitted out a fleet in their own name, to give chace to that which the Scots had sent to sea, and which was their last refuge. The loss of this fleet, which was destroyed by the English, quite confounded David's adherents. The earl of Fife, who was one of the principal, submitted to the conqueror, and his example was followed by many others. These good successes determined Baliol to cause himself to be crowned. The ceremony was performed at Scone, the usual place of the inauguration of the kings.

The Scotch fleet destroyed by the English.

Baliol crowned. Walsing.

The new king was no sooner on the throne, but, in order to perform his treaty with the king of England, he did him homage for the kingdom of Scotland, in the same manner as his father had done it to Edward I. that is, with all the circumstances denoting an entire subjection. In his letters-patent he said expressly, that it was with the consent of the king of England, and the assistance of the English, that he recovered the possession of his inheritance, of which he supposed, contrary to truth, that John his father was deprived by Robert Bruce. Moreover, he resigned to the king of England, in payment of the supplies received from him, the town and castle of Berwick, which were still in the hands of king David. He offered likewise to marry Joanna, sister of Edward, if that princess's marriage with David Bruce could be annulled. Lastly, he promised to furnish the king his sovereign with aids of men and money, whenever required. All these circumstances plainly shew, Edward was but too far concerned in this expedition, how much soever his historians may labour to clear him.

He does homage to Edward for Scotland. Act. Pub. iv. p. 536. Knighton.

He gives up Berwick. Act. Pub. iv. p. 536, 539.

Whilst Baliol was pushing his conquests in Scotland, Edward called a parliament to demand a subsidy. His pretence was, certain troubles in Ireland, which he represented as so dangerous, that there was a necessity of sending an army thither. The subsidy was readily granted. But whilst the troops designed for the expedition were marching to imbark, they received orders to advance towards the borders of Scotland. Edward representing to the parliament, that it was dangerous to leave the northern counties defenceless, whilst their neighbours were in arms, and affirming, his presence was necessary in those parts, it was resolved that the Irish expedition should be deferred to some other time. Probably, the parliament did not suffer themselves to be deceived, but chose to shut their eyes voluntarily, not to obstruct the king's designs.

Edward levies an army on pretence of troubles in Ireland;

but sends it to Scotland. Act. Pub. iv. p. 523.

Mean

1333. Mean time, Edward finding that by the rapidity of Baliol's conqueſts, his project ſucceeded to his wiſh, immediately pulled off the maſk. He began, upon frivolous pretences, to complain that the Scots had violated the treaty of peace. He muſt have been in great want of good reaſons, ſince he uſed one ſo very unlikely in the then circumſtances of Scotland. The regent left by king David, ſpared neither excuſes, nor intreaties, nor ſubmiſſions, to divert the impending ſtorm, but all to no purpoſe. Edward, who had formed the deſign of taking Berwick, ſoon after beſieged that place, and obliged the governor to ſign a capitulation, promiſing to ſurrender the town, unleſs relieved by ſuch a day. During that time, the regent, ſeeing Berwick could not be ſaved without exerting his utmoſt, levied an army, and was advancing with all ſpeed to give the Engliſh battle. Edward, who was informed of it, expected him at Halydon-hill, where was fought a bloody battle, which ended in the entire rout of the army of Scotland. Seven Scotch earls were ſlain on the ſpot, with nine hundred knights, and four thouſand gentlemen, beſides thirty two thouſand common ſoldiers, if we may believe the Engliſh hiſtorians. But the Scots own but ten thouſand, which doubtleſs is nearer the truth. The victory was followed by the ſurrender of Berwick, which the king annexed for ever to the crown of England.

He complains that the Scots have broke the treaty of peace. Froiſſart, l. i. c. 26. Act. Pub. iv. p. 552, 557.

Ibid. p. 564, 566. Walſing. He becomes maſter of Berwick. The battle of Halydon. Ibid. p. 571. Knighton. Buchanan. l. 9.

Baliol holds his firſt parliament at Edenborough. Act. Pub. iv. p. 575, 588, 590, to 605, 614. Walſing. He gives up ſeveral places to Edward.

The ſucceſs of the campaign anſwering Edward's expectation, he returned into his own dominions, leaving with Baliol a body of troops to complete the reduction of Scotland. Strengthened with this aid, Baliol took ſeveral towns, after which he held his firſt parliament at Edenborough [a]. He cauſed whatever had been done in favour of the king of England to be confirmed and ratified. Moreover, all the Engliſh lords who had ſerved him, recovered the lands they had loſt in Scotland, or acquired others. All the acts of parliament paſſed in the reign of Robert Bruce were annulled, as wanting a lawful authority. Baliol was not ſatisfied with ſhewing his gratitude to Edward, by the ceſſion of Berwick, and doing him homage, but reſigned to him likewiſe Roxburgh, Jedburgh, Selkirk, Dumfries, and the caſtle of Edenborough, in reward, as he ſaid himſelf in his letters, for the aſſiſtance received from him to recover his dominions.

Ibid. p. 614.

[a] Febr. 10, 1334. To which king Edward ſent his commiſſaries, viz. Edward de Bohun, William de Montacute, Henry de Percy, Ralph de Neville, ſteward of his houſhold, and Geoffrey de Scrope, chief-juſtice.

This

This voluntary homage, and theſe extraordinary alienations, made him forfeit the eſteem and affection of his new ſubjects. It was eaſy for them to ſee, that Baliol was but Edward's inſtrument to render himſelf maſter of Scotland. In this belief, they reſolved to ſhake off the yoke of their new king, who ſo viſibly betrayed the intereſts of the nation. Some of the great men headed a body of male contents, and went in queſt of Baliol, who expected nothing leſs than to be attacked. They ſurprized and defeated him, forcing him to fly on an horſe without a ſaddle to Carliſle, from whence he ſent his protector word of the misfortune befallen him. 1334. The Scots rebel againſt him. Buchanan. Boeth. He is ſurprized and driven out of Scotland.

About the ſame time Edward ſummoned a parliament, and communicated his deſign, as he ſaid, of going to the Holy Land with the king of France, and other chriſtian princes. But the news of the revolution in Scotland, made him alter his pretended project. Having obtained an aid of money, he marched towards that kingdom, at the head of a numerous army, and penetrated without oppoſition to the northern counties, whilſt the Scotch army kept in poſts, where it was not poſſible to attack them. So, for want of enemies to engage with, he left Scotland, and returned into England. Hardly had he reached the borders, when Dunbar, who commanded the Scotch army, ſallying out of his retreats, retook ſome places from the Engliſh. As the ſeaſon would not permit the king to go in queſt of his enemies, he ſent his troops into winter-quarters, and that he might be at hand, reſolved to paſs the winter at Roxburgh. Ad Murim. Act. Pub. iv. p. 267. Edward marches into Scotland and ravages the country. Knighton.

In the ſpring, he attacked Scotland by ſea and land. He even advanced as far as the northern ocean. But he reaped no great advantages from this incurſion, as the north parts of Scotland could not be kept without an army always there, ſuperior to that of the Scots. So, finding he could not allure them to a battle, he ſtaid ſome time at Perth, whilſt the earl of Cornwall his brother ravaged the weſtern counties of that unfortunate kingdom. It is true, the Scots gained ſome advantage over five hundred Engliſh archers, who ſuffered themſelves to be ſurprized. They took likewiſe the earl of Namur and his brother, who ſerved in Edward's army. But this laſt advantage proved fatal to them, as it occaſioned the loſs of the earl of Murray, regent of the kingdom. The earl, who was ſo generous as to give his two priſoners their liberty, carrying his civilities a little too far in waiting upon them to the frontiers, had the misfortune to be taken by a party of the garriſon of Roxburgh. This accident added to the loſſes al- 1335. Another expedition into Scotland. Act. Pub. iv. p. 650. Ib. p. 654, 657, 658. The regent of Scotland taken by the Engliſh. Ib. p. 660, 670, 682.

ready

ready ſuſtained by the Scots, that of a good general, and a very able regent.

The pope and king of France try to divert Edward from the war with Scotland. Act. Pub. iv. p. 655, 677, 703. Walſing.

Mean time, the pope and the king of France were uſing their intereſt, though indirectly, for king David, by endeavouring to turn the Engliſh arms another way. Whilſt Edward was at Perth, he received ambaſſadors from France, who jointly with the pope's nuntio, preſſed him to perform his engagement to carry his arms into Paleſtine. He eaſily perceived, their ſole intent was to divert him from the war with Scotland. So, to avoid all farther ſollicitations, he plainly told Philip's ambaſſadors, that by God's grace he was in a condition to make war againſt the infidels, without their maſter's aid, as ſoon as he had finiſhed the conqueſt of Scotland.

The chief Scots ſubmit to Edward. Knighton. col. 2566.

This anſwer convincing the Scots that he was fully reſolved not to end the war till he was abſolute maſter of the kingdom, the greateſt part voluntarily ſubmitted, plainly perceiving, it was not poſſible for them to reſiſt any longer. They who took that courſe obtained very favourable terms, but there were others who choſe rather to be expoſed to the laſt extremities, than ſubmit to the yoke of the Engliſh. After the campaign was over, Edward returned in triumph to England [b], having ordered Perth, Edenborough, and Sterling, to be reſortified, and left the government of Scotland to the earl of Athol.

He returns to England. Act. Pub. iv. p. 676.

The Engliſh are beaten.

The new general, who though a Scotchman, had joined with Edward, in order to revenge ſome affronts received from his countrymen, had no ſooner the command of the Engliſh army, but he went and laid ſiege to Kildrummy. Dunbar and Douglaſs, who commanded the Scotch forces, haſtened to its relief, and though their army was not near ſo numerous, they defeated and ſlew the earl of Athol, and relieved the town. This ſucceſs reviving the courage of the Scots, they came together from all parts, under the conduct of theſe two generals, who made a very conſiderable progreſs.

1336. Edward ravages Scotland, Act. Pub. iv. p. 695, 698. and returns. Knighton. Walſing.

Edward, who thought he had ſufficiently tamed the Scots, fell into a fury upon the news of this freſh revolt. As ſoon as the ſeaſon would permit, he marched a fourth time into the heart of Scotland, and ravaged in a mercileſs manner the counties that had declared againſt him. In his return, he burnt the town of Aberdeen, and ſome other places of leſs note; and leaving a ſmall army with Baliol, marched back to his dominions, where he was called by more important affairs.

[b] Having granted the Scots a truce, for about a month, at the requeſt of the pope, and the king of France; which was afterwards prolonged till the Sunday before Aſcenſion Day, 1336. Rymer's Fœd. tom. iv. p. 656.

This

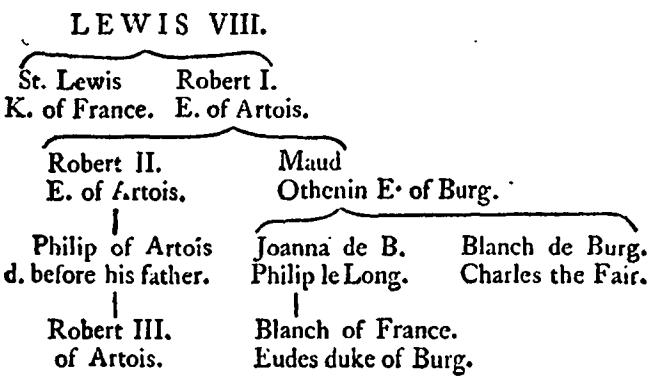
This was Edward's laſt expedition into Scotland. It was time for that unhappy kingdom to enjoy ſome repoſe. Since it was firſt invaded by Edward I. ſo much Scotch blood had been ſpilt, that it is very ſurprizing, after ſo many loſſes, the people of that country ſhould ſtill be able to contend for their liberty.

Edward's four expeditions into Scotland gained him no doubt a great reputation. But it ſeems that part of his glory might have been diſputed, by the conſideration of the ſuperiority of his troops, more numerous, better diſciplined, and more amply provided with all things neceſſary, than thoſe of the Scots. He was willing therefore to demonſtrate in a larger and more noble field, that he was not afraid to face the greateſt dangers, and to contend with more formidable enemies. So, from henceforth neglecting Scotland, which he believed ſufficiently ſubdued, and which afforded him no more laurels, he reſolved to attack France, the moſt powerful ſtate of all Europe, and to uſe his utmoſt endeavours to wreſt the crown from Philip de Valois. I have already mentioned his claim to that kingdom, from which he was excluded by virtue of the Salic-law. As he pretended the law was miſunderſtood, and as that was the origin of a long and bloody war, which often brought France into extreme danger, there would be a ſort of neceſſity, before we proceeded to particulars, to ſhow the real foundation of the war. But as this matter cannot be briefly explained, I muſt beg the reader's leave to refer him to the diſſertation at the end of this reign, that the thread of the hiſtory may not be interrupted. It ſuffices here to ſay in a word, that Edward pretended, the Salic-law, in excluding females from the ſucceſſion to the crown, did not exclude their male-iſſue, from whence he inferred, that the next male-heir ought to ſucceed. Edward's deſigns againſt France.

The Collection of the Publick Acts contain ſeveral pieces, clearly ſhewing, that although Edward ſeemed to ſubmit to the judgment given againſt him at Paris, he was meditating ſome great deſign, and that againſt France. Amongſt others, there is a letter to the inhabitants of Bayonne, poſitively promiſing them never to make peace with France without their being included, though he was not then in war with that crown. It was not therefore Robert d'Artois, expelled France and ſheltered in England, that inſpired him with the thoughts of invading France, as all the hiſtorians unanimouſly affirm. I do not deny however, that Robert d'Artois, diſpleaſed with Philip de Valois, helped by his councils, and perhaps by the conſideration of his friends in France, to make him haſten Froiſſart, l. 1. c. 1.

the

the execution of his project. But ſince Robert d'Artois is generally reckoned the author of this undertaking, and of the calamities ſuffered by France on that occaſion, it will not be improper to inform the reader of the reaſons which that prince, deſcended from Lewis VIII. thought he had to complain of Philip. For that purpoſe it will be neceſſary to know ſomething of the genealogy of the houſe of Artois.



State of the earl of Artois's caſe.

Robert earl of Artois, ſon of Lewis VIII. king of France, had a ſon and a daughter, namely, Robert and Maud. Robert II. was earl of Artois, and Maud married Othenin, earl of Burgundy, by whom ſhe had two daughters, Joanna and Blanch, who were wives to Philip le Long, and Charles the Fair, kings of France. Joanna had a daughter called Blanch, married to Eudes, duke of Burgundy. Robert II. had but one ſon, named Philip, who dying before the earl his father, left Robert his ſon, the third of that name, but not earl of Artois. Robert III. claimed the earldom, as grandſon to Robert II. and the next male heir. But Maud his great aunt, maintained, that the ſucceſſion belonged to her, as ſiſter to Robert II. and nearer by one degree than Robert III. The court of peers decided the affair in favour of Maud, whoſe two daughters were married to the two younger ſons of Philip the Fair. Robert d'Artois ſubmitted to the ſentence during Philip's life, and all the reign of Lewis Hutin, but took up arms in the regency of Philip le Long, and got poſſeſſion of Artois. When from regent Philip was become king, the affair of Artois was again brought before the court of peers, and decided once more in favour of Maud his mother-in-law. After the death of Charles the Fair,

Fair, Robert Artois was of all the great men of France, the perſon that acted with the moſt warmth, to procure the crown for Philip de Valois his brother-in-law, and maintained the moſt ſtrenuouſly the authority of the Salic-law. He hoped thereby to eſtabliſh a precedent in his favour, with regard to the earldom of Artois, and that the Salic-law being admitted, with reſpect to the crown, all the fiefs thereof would be ſubject to the ſame law. So, depending upon this precedent, and the advantage of being brother-in-law of the new king, he revived the proceſs, and produced certain charters under the great ſeal, to confirm his right. But Philip cauſed the charters to be examined ſo ſtrictly, that they were diſcovered to be counterfeit, for which a gentlewoman of Artois, who had forged them, was ſeverely puniſhed. The charters on which Robert founded his claim, being rejected, the earldom of Artois was adjudged to Blanch, daughter of Philip de Long, by virtue of the right ſhe had from Maud her grandmother. Robert, full of indignation, fell into a paſſion with the king, and upbraided him in ſuch a manner, as touched him very ſenſibly. It is ſaid, he proceeded to threats, which determined the king to proſecute him with the utmoſt rigour. He ordered him to be ſummoned before the peers, and cauſing him to be condemned for non-appearance, commanded the ſentence to be publicly read in the ſtreets of Paris. Robert withdrew into Hainault, but Philip not letting him reſt there, he took the deſperate courſe of throwing himſelf into the arms of the king of England. He found that monarch finiſhing the war with Scotland, and meditating his enterprize upon France. In all likelihood, he contributed by his ſollicitations to haſten the execution of that project. Act. Pub. iv. p. 747.

So important a war could not be undertaken, without extraordinary preparations, and the ſupport of divers alliances, which might ballance the ſuperiority, France had then over England. Edward had now gained the emperor Lewis of Bavaria, the duke of Brabant, the earls of Guelder and Hainault, his brothers-in-law, the archbiſhop of Cologn, and ſeveral other German princes; nay, he neglected not the private aſſiſtances of divers lords of Germany, Flanders, Holland, Brabant, Gaſcogne, who were to ſupply him with a number of horſe, in proportion to the ſums he gave them. All theſe troops drawn together, and joined to the Engliſh, would have made a very numerous army. But theſe alliances were not near ſo advantagious to him, as that procured him by Rober d'Artois with James d'Arteville, a brewer of Ghent. The credit of that burgher was ſo great in Flanders, that he had

1337. Edward makes an alliance with ſeveral princes. Act. Pub. iv. p. 784. &c. Froiſſart, l. 1. c. 35.

and with James de Arteville. Id. c. 31.

had cauſed the principal cities to revolt againſt the earl [c]. This prince was even reduced to the neceſſity of flying for refuge into France, till Philip, who had engaged to reſtore him, was able to accompliſh his promiſe. Edward taking advantage of this juncture, offered his protection to the Flemings, who gladly accepted it, apprehenſive as they were, of being oppreſſed by Philip. This alliance was the more advantagious, as beſides the ſupplies he expected from the Flemings, it afforded him the conveniency of aſſembling his army in Flanders, and a means to open a way into the enemy's country from that quarter. The parliament [d], who approved of his deſign, having granted him large ſubſidies to carry it on, he raiſed one of the fineſt armies that had ever been levied in England. Till all his allies were ready to act, he ſent part of his troops to the relief of the Flemings, whom their earl was vigorouſly attacking, with the aſſiſtance of the French. Upon the arrival of theſe troops, Guy, brother of the earl of Flanders, who was poſted in the iſle of Cadſant, was defeated and taken priſoner. This ſucceſsful beginning of the Engliſh arms, ſo broke the meaſures of the earl of Flanders, that the cities, which till then had been for him, declared againſt him.

Victory of the Engliſh in Flanders. Mezerai.

Whilſt Edward was making his preparations for this important war, the object of all his cares, he ſummoned a parliament [e]. The principal buſineſs was to ſettle the woollen-

Prince Edward made duke of Cornwal. Walſing. Knighton.

[c] This man, by undertaking to be patron to the people, had all things at his command. He never walked the ſtreets without ſixty or eighty luſty yeomen at his heels, who upon a ſign given them, killed every man they met, who was not a friend to their maſter. He collected and ſpent as he pleaſed the earl's rents and profits, he baniſhed all the lords, whom he ſuſpected to be the earl's friends: and in every town he had ſoldiers in pay, to ſpy and give him notice of any perſon, who had a deſign againſt him, whom he never left till he had baniſhed or deſtroyed. He was murdered at length in 1345, by the populace, for endeavouring to make king Edward's ſon earl of Flanders. Froiſſart, l. 1, c. 31.

[d] This parliament was held the Friday before Michaelmaſs. And in it the community of the kingdom granted the king a tenth, and the citizens and burgeſſes a fifteenth. The clergy alſo granted a tenth for three years —— Soon after, the king iſſued out a commiſſion for the ſeizing the eſtates of the Lombard merchants in England, who were grown odious on account of their uſury and extortion. He ſeized alſo the revenues of the alien priories, eſpecially of the Cluniac and Ciſtercian order. Rot. Claus. 11 Edw. III. p. 2. M. 40. Dorſ. Walſing. Rymer's Fœd. tom. iv. p. 777.

[e] This parliament was held about the middle of March; and it was enacted, that no wool of Engliſh growth ſhould be tranſported beyond ſea; and that all cloth-workers ſhould be received, from whatever foreign parts they came, and encouraged. Rymer's Fœd. tom. iv. p. 753, 751. It was alſo ordained, that none ſhould wear any cloths made beyond ſea, except the king, queen, and their children; alſo, that none ſhould wear foreign furs or ſilks, unleſs he was worth one hundred pounds of yearly rents. A. Murimuth. Walſ. N. B. Walſingham places this under the year 1343; but he differs from the reſt in that and other hiſtorians by two, and ſometimes three years.

trade,

trade, which was of very great conſequence to the kingdom. In this parliament, he created prince Edward his eldeſt ſon duke of Cornwal, being the firſt in England that bore the title of duke [f].

When the king was almoſt ready to begin the war, he wrote to the pope and cardinals, to juſtify his enterprize againſt France. He complained in his letters, that tho', after the death of Charles the Fair his uncle, the crown was devolved to him as next heir, he was deprived of it by a raſh and unjuſt ſentence: that the ambaſſadors ſent to Paris to demand the crown, not only were not heard, but were treated with that violence as even to be threaten'd, and put in danger of their lives: that by taking from a minor the crown, which of right belonged to him, the peers of France acted like robbers rather than judges; and that he proteſted againſt whatever was done during his nonage. Then he ſaid, that Philip de Valois, not content with uſurping the kingdom of France, had, before any declaration of war, unjuſtly ſeized Guienne and the earldom of Ponthieu, and without cauſe, united theſe two provinces to the crown: that he had countenanced the Scotch rebellion, inſtead of aſſiſting him, as he was obliged by the bond of affinity. Laſtly, that by his whole conduct he had ſhewn himſelf to be his mortal enemy, and extremely uneaſy at every thing tending to the honor of England. Edward writes to the pope againſt Philip. Act. Pub. IV. p. 126. Walſ. p. 136.

Theſe letters being communicated to Philip, he anſwered, that by the Salic law, and the judgment of the peers, Edward was excluded from the ſucceſſion to the crown of France, to which beſides he could pretend no manner of right, ſince he was born out of the kingdom: that for his part, not only all the French had received him for king, but Edward himſelf had ſubmitted to their judgment: that the homage he had done in perſon, and confirmed by his letters patent, was a clear evidence, that he was himſelf convinced of the groundleſſneſs of his pretenſions. Edward replied, that his proteſtation in the preſence of his council before he went and did homage, prevented its Philip's anſwer. Edward's reply.

[f] He was inveſted with this dukedom, "by a wreath on his head, a ring "on his finger, and a ſilver verge." Since which time, the eldeſt ſon of the king of England is born duke of Cornwal. At the ſame ſolemnity were created ſix earls, viz. Henry de Lancaſter earl of Derby, William de Montacute earl of Saliſbury, Hugh de Audley of Glocester, William de Clinton of Huntingdon, William de Bohun of Northampton, and Robert de Ufford of Suffolk. Walſ. Twenty knights were alſo then created among whom, ſays Speed, was Sir Thomas de la Moor, who wrote the life of Edward II. and is often quoted by Rapin. He wrote in French, but has been ſince tranſlated into Latin, and frequently quoted in Engliſh by our general chroniclers. He treats very largely of that king's ſufferings.

being any prejudice to him: that the fear of loſing his lands in France, was the ſole motive of it; which, added to the conſideration of his minority, was more than ſufficient to invalidate whatever had been hitherto done. Of theſe two reaſons, the firſt would hardly have been admitted in a court of juſtice; but it was not there this famous proceſs was to be tried. Mean time, Edward, willing to ſhew his allies he was too far engaged in the conteſt to recede, ordered the duke of Brabant to demand the crown of France in his name. At the ſame time he made him his lieutenant-general for that whole kingdom, with orders to the French, whom he called his ſubjects, to pay him obedience.

Edward demands the crown of France by the duke of Brabant. Act. Pub. IV. p. 818.

The pope ſends two legates into England. Ib. p. 826.

To try to prevent the evils, which a quarrel of this nature might bring upon Chriſtendom, Benedict XII. who then filled the papal throne, uſed all his intereſt with the two kings. But as Edward was the aggreſſor, the pope ſent firſt to him two cardinals, with inſtructions to uſe all poſſible endeavours to perſuade him to peace. Theſe two legates diſcharged their commiſſion with great zeal, and were very urgent with Edward to put the affair in negotiation. They could not however help ſhowing ſome partiality in favour of France, becauſe of Edward's alliance with the emperor, the pope's profeſſed enemy. Nevertheleſs the king let them know, their mediation was agreeable to him, and he would make peace, provided terms were offered anſwerable to his rights. He even promiſed to defer the execution of his deſigns till next March. But this was no great favour, ſince it was then December. He ſpent the reſt of the winter in preparing his army and fleet, and eſpecially in ſtrengthening the league with new allies. Among whom, we find in the Collection of the Public Acts, the count palatine of the Rhine, the duke of Auſtria, and the Dauphin of Viennois, who are all three reckoned by the hiſtorians among the allies of France. This gives occaſion to preſume they were firſt ingaged with Edward, but afterwards ſuffered themſelves to be gained by Philip. The Dauphin had entertained the project of erecting his dominions into a kingdom: which, probably, was the reaſon of his joining with Edward, hoping without doubt that he would uſe his intereſt with the emperor to obtain his deſire. This project not ſucceeding, he eſpouſed the quarrel of France. The earl of Hainault, being willing alſo to enter into the league, deſired, that Edward might have the title of Vicar of the Empire, in order to have a pretence to join forces with him, as general of the emperor's army. To ſatisfy the earl, and in expectation of bringing other German princes to the

Edward grants a ſhort truce. Act. Pub. IV. p. 833, 838. V. p. 2, 14. Knighton.

Edward prepares for war. Act. Pub. IV. p. 773, 781.

The Dauphin of Viennois would erect his country into a kingdom. Act. Pub. IV. p. 839. V. p. 10, 99.

The earl of Hainault enters into the league.

ſame

same resolution, Edward was pleased to demand that dignity of the emperor.

When he had taken all the precautions suggested to him by prudence, he departed from England, with a fleet of five hundred sail [g], and steered his course towards Antwerp, where he was called by important affairs. It was necessary he should be near his allies, that he might take with them all proper measures for the execution of his designs. Although his ambassadors had concluded alliances in his name with several princes, there were still many things to be settled with them, before they could assemble their forces. This was properly what retarded several months the opening of the campain. But this delay was not entirely fruitless. During that time, Edward went and conferred at Cologne, with the emperor [h], who ordered a patent to be drawn up appointing him vicar of the empire, according to his desire. This favor was attended with the promise of a powerful assistance, a promise which was afterwards very lamely performed. The cities of Flanders having entered into the league by means of James d'Arteville, were grown apprehensive of being one day abandoned to the vengeance of their earl, and the king of France. It was therefore necessary for Edward to shew himself to the Flemings, in order to encourage them by his presence. To that end he took a journey to Ghent and granted the principal cities several privileges, in order to encourage their trade with England. During this interval, he promised the marquis of Juliers to make him a peer of England, which he did afterwards, by creating him earl of Cambridge [i]. His power as

1338. Edward comes to Antwerp July 22. Knighton. Froissart, l. 1. Walsing.

He is made vicar of the empire. Froissart, l. 1. c. 35. Knighton.

1339. He promises to make the duke of Juliers a peer of England. Ibid.

[g] He sailed from Orewell in Suffolk, July 16. Rymer's Fœd. tom. v. p. 65. Walsi. p. 136. There was a parliament held on February 3, in which the laity granted the king one half of all their wool for the next summer; at the same time he took the whole of the clergy, making them pay nine marks for every sack of the best wool. Knighton.

[h] At this interview, two thrones being erected in the open market-place, one for the emperor, the other for the king; the emperor took his place first, and king Edward sat down by him. There were present four great dukes, three archbishops, six bishops, and thirty seven earls; and according to the heralds, seventeen thousand barons, bannerets, knights, and squires. The emperor having his sceptre in his right hand, and the globe in his left, and a knight of Almain holding over his head a naked sword; his imperial majesty did then and there declare the disloyalty, falsehood, and villany of the king of France; and thereupon defied him, and pronounced that he and his adherents had forfeited the protection and favor of the empire. And then he constituted king Edward vicar general of the empire, granting unto him full and absolute power over all on this side as far as Cologn; whereof he gave him his imperial charter, in sight of all that were present. Jos. Barnes's life of Edward III. Knighton.

[i] On the 7th of May, 14 Edward III. and gave him a grant of twenty pounds a year, payable out of the issues of Cambridgeshire, for the support of that dignity; with a pension of one thousand pounds per annum. But he never had any summons to parliament. He was queen Philippa's sister's son. He died without male issue. Cotton's Abridg. p. 23. Rymer's Fœd. tom. v. p. 279.

vicar of the empire, enabled him to erect the earldom of Guelders into a duchy, and to grant the city of Cologne divers privileges, by which means he ſtrengthened his alliance with the archbiſhop. Among all his allies, the duke of Brabant gave him the moſt trouble. That prince fearing, the two monarchs would be reconciled at his coſt, great princes frequently neglecting the intereſts of the ſmaller who have ſerved them, was willing to ſecure himſelf, before he ingaged in the league. The more diffident he was, the more Edward laboured to be aſſured of his aſſiſtance. Beſides the money with which he profuſely ſupplied him [k], he gave him hopes of the honour of having, one day, for his ſon-in-law the duke of Cornwal, preſumptive heir of the crown of England. Moreover, to make him perfectly eaſy, he was pleaſed to give it under his hand, not to quit the Low-Countries till the war was ended [l].

Act. Pub. T. V. p. 113, 134, 152.

But all theſe affairs, though of great moment, were not the ſole cauſe of Edward's long ſtay in Brabant. As his expence was exceſſive [m], he endeavoured, during that time, to borrow

He borrows money from all hands. Act. Pub. V. p. 101.

[k] He gave him July 1. 1337. ſixty thouſand pounds. See Rymer's Fœd. tom. iv. p. 777.

[l] About this time the earl of Huntingdon, was made guardian or lieutenant of Suffolk, and the lord Robert Morley of Norfolk; which ſeems to be the firſt example of this kind. Knighton.—— Young prince Edward, who was guardian of the realm, held a parliament at Northampton, July 26. which granted out of every town a twentieth upon goods amounting to the value of twenty ſhillings. They moreover granted the king all the wool of the kingdom to be bought at a certain price. An aid was alſo given by the clergy that held in capite; and afterwards a tenth for two years by the convocation, which met October 1. Knighton. Polychron. Rot. Clauſ. 12 Edward III. P.

[m] The reader may judge of it by the following account taken from Dr. Brady.

The prince by the day, twenty ſhillings.

The biſhop of Durham, ſix ſhillings and eight-pence.

Thirteen earls, each by the day, ſix ſhillings and eight-pence.

Forty four barons and baneretts, each by the day, four ſhillings.

One thouſand forty ſix knights, each by the day, two ſhillings.

Eſquires, conſtables, captains and leaders, four thouſand twenty two, each by the day, one ſhilling.

Vintenars that had the command of twenty men, or as our ſeijeants, and archers on horſe-back, five thouſand one hundred and four, each by the day, ſix-pence.

Pauncenars, [they were moſt ſtrangers, but what otherwiſe, is not known] three hundred fifty five, each by the day, ſix-pence.

Hobelars five hundred, each by the day, ſix-pence.

Archers on foot, fifteen thouſand four hundred and eighty, each by the day, three-pence.

Maſons, carpenters, ſmiths, engineers, tent-makers, miners, gunners armed, and thoſe that had the care of the artillery, three hundred and fourteen, ſome at a ſhilling, others at tenpence, ſix-pence, and three-pence, by the day.

Welſhmen, foot four thouſand four hundred ſeventy four, whereof two hunhred vintenars, each by the day, fourpence. The reſidue, each by the day, two-pence.

The whole number of the men of the army, was beſides the lords, thirty one thouſand two hundred ninety four, maſters, captains, mariners and boys, for ſeven hundred ſhips, barges, balingers

borrow money of all the foreign princes. He did not ſcruple even to apply to private perſons, and take up ſuch ſums as they were willing to lend, though never ſo ſmall: nay, we find in the Collection of the Public Acts, that he pawned his crown to the archbiſhop of Triers for fifty thouſand florins.

During Edward's ſtay at Antwerp, his queen was delivered there of a prince called Lionel. Here likewiſe he received a letter from the pope, repreſenting to him in ſtrong terms, the dangers he was expoſing himſelf to, by his alliance with Lewis of Bavaria, who ſtood excommunicated. At the ſame time, he reproached him, for undervaluing himſelf, in receiving from the pretended emperor, the title of Vicar of the Empire, ſo much beneath him. But theſe remonſtrances made little impreſſion upon him. Though the pope threatned to proceed to extraordinary cenſures againſt him, he choſe rather to run that hazard, than interrupt the execution of his deſigns.

Birth of prince Lionel. The pope's letters. p. 128. Walſing.

Every thing being ready to open the campain, which had been retarded till September, Edward put himſelf at the head of forty thouſand men, and encamped between Marchienne and Doway. Then he marched towards le Cambreſis, and halted ſome time before the walls of Cambray. Here he was informed, that Philip was advancing with a formidable army, to give him battle. As the war was immenſely expenſive, and as it was his intereſt to end it at once; as ſoon as he received this intelligence, he paſſed the Shelde, in order to meet his enemy. A few days after, the two armies being encamped near one another, about Vironfoſſe, Philip ſent a herald to offer him battle, on condition it ſhould be on an open plain. Edward accepted the challenge, and left him to appoint the time and place. The 22d of October was fixed for the deciſion of this famous quarrel. But whilſt both ſides were preparing with equal ardor for battle, Philip was diſcouraged by a letter from Robert king of Naples. This prince, who paſſed for a great aſtrologer, foretold him ill ſucceſs, wherever he ſhould fight the Engliſh. At leaſt, this is what ſeveral hiſtorians affirm; adding, that upon the credit of the prediction, Philip retired, not daring to venture a battle. Others however maintain, with more likelihood, that the letter would

Edward enters Artois.

Philip offers him battle. Ibid. He accepts it. Knighton. Walſing.

Philip retires. Mezerai. The reaſons of it. Froiſſart. l. 1. c. 42.

lingers and victuallers, ſixteen thouſand.

The ſum total of the war, with the wages of the mariners from the 4th of June, in the 20th year of Edward the third, to the 12th of October, in the 21ſt year of his reign, one year and a hundred thirty one days, one hundred twenty ſeven thouſand one hundred and one pounds, two ſhillings and nine-pence, ob. Brady's append. vol. iii. N°. 92. l. 1. c. 37.

not have induced him to take ſuch a ſtep, if the great men who attended him, had not checked his ardor by more prudent counſels. It is ſaid, they repreſented to him, that in the battle which was going to be fought, he hazarded no leſs than his crown; whereas Edward ventured only ſoldiers, moſt of whom were not his own; and, upon this remonſtrance, he reſolved, though with reluctance, to give his enemy this ſmall advantage. When Edward ſaw there was no likelihood of bringing Philip to a battle, he marched into Hainault. This is Froiſſart's account, who is accuſed by the French of being, on all occaſions, too partial to the Engliſh. Nangis, a French hiſtorian, ſays, Edward retired firſt, not to hazard a battle. This is not the only inſtance of the like contradiction among the hiſtorians. It ſeems however, that on this occaſion it is
Knighton. not likely, Edward, who paſſed the Schelde to meet Philip, ſhould retire for fear of fighting. But Philip's reaſons for not venturing a battle are very ſtrong. The honour of a king or general, conſiſts not in fighting upon every occaſion, but only at a proper ſeaſon; and in not venturing the loſs of a kingdom without extreme neceſſity. Be this as it will, the firſt campain ended without bloodſhed, except in Guienne, where the two parties made war upon one another. But as nothing
Ibid. very remarkable happened, I ſhall not ſtay to relate the particulars.

1340. It was not poſſible for Edward to return to England ſo ſoon as he deſired, being detained in the Low-Countries by a troubleſome affair, by underhand practices. The king of France, vexed to ſee the advantages his enemy reaped by his alliance with the Flemings, found means, by the help of his emiſſaries, to raiſe in the cities of Flanders a ſcruple for taking up arms againſt their ſovereign lord. This ſcruple, inflamed by the eccleſiaſtics, moſt of whom were in the intereſts of France, had already made a deep impreſſion on the minds of the people. Perhaps it would have cauſed in Flanders ſome revolution prejudicial to England, had not James d'Arteville found a ſpeedy remedy, by adviſing Edward to aſſume the title of king of France. The propoſal being debated in the king's council, it was approved as a proper means to keep the Flemings in the league. And indeed, Edward reaped from it the advantage he was made to expect. Purſuant to the advice, he ſtiled himſelf king of France, and quartered with his own arms the Flower-de-luces of France. He added this
His motto. motto, DIEU ET MON DROIT[n], declaring thereby, that he put

Edward takes the title of king of France. Act. Pub. v. p. 158. Froiſſart. l. 1. c. 47. Knighton. Walſing.

[n] i. e. God and my Right.—It having been enacted in the parliament, that the Engliſh wool ſhould not be exported out of the kingdom, but be made into

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put his whole confidence in God, and the justice of his cause. The new title was not very surprising, since all his previous proceedings were clear evidences of his design. Some time after, he refused Philip the title of king, and forbid all his ministers to give him any other but that of earl of Valois. Besides, he had appointed the duke of Brabant his lieutenant-general in France, and by that had sufficiently shewn, he thought himself the true king; though he had not yet ventured to take the name. Having broken the ice on account of the Flemings, he made no scruple to use the title of king of France in all public acts, and to mark this year as the first of his new reign. At the same time he published a declaration, notifying to the French, that the kingdom of France being devolved to him by the death of Charles the Fair, according to God's will, which he would not oppose, he was resolved to assume the government. He gave his new subjects all the usual promises on the like occasions, and offered his protection to such as, after the example of the Flemings, would own him for their sovereign. The same day he published a manifesto, containing a particular account of the pretended injuries received from Philip de Valois, and the offers made by himself in order to a peace, that they might unite their forces against the infidels.

He publishes a declaration addressed to the French, Act. Pub. v. p. 160, 163.

and a manifesto against Philip. Ibid.

Though Edward had entered into engagements with the duke of Brabant, to stay in the Low-Countries till the war was ended, it was not possible for him to keep his promise. His affairs necessarily called him into England: but to satisfy the duke, he left him in hostage four English lords ° of the first quality, besides his queen and the new-born prince, who continued at Antwerp for pledges of his return. After this affair was thus settled, he passed into England, where he arrived in February. Presently after he summoned a parliament r, which, upon granting him a considerable subsidy, ob-

He goes into England. Walsing. Knighton. Act. Pub. v. p. 140.

Calls a parliament. Ib. p. [illegible] Walsing. Brady. App. N° [illegible]

into cloths within the king's dominions; one Thomas Blanket, and some other inhabitants of Bristol, setting up looms in their own houses about this time. See Rymer's Fœd. tom. v. p. 137.

° Henry of Lancaster, earl of Derby; William de Montague earl of Salisbury, and earl marshal; William de Bohun, earl of Northampton; and Robert de Ufford, earl of Suffolk.

r Which met March 29. And therein the prelates, barons, and knights of shires, granted the king for two years, the ninth sheaf, fleece, and lamb; the citizens and burgesses, the ninth part of all their goods; and the clergy a tenth. Rot. Parl. 14 Edw. III. Cotton's Abridg. p. 22. In consideration of this, several arrears and debts due to him, &c. were remitted. Walsing. There was a parliament before this, which met the 20th of Jan. The prince being gone to Antwerp to his father, six commissioners were appointed to hold it in his room. In this, the commons granted the king [illegible] and twenty thousand sacks of wool; in the transporting of which, merchants and owners of ships were to bear half the charges. Cotton's Abridg. p. 19. Rymer's Fœd. tom. v. p. 155.

tained from him the confirmation of Magna Charta. Before they broke up, the lords and commons preſented an addreſs, praying that the title of king of France, uſed in the Public Acts, might have no influence on the affairs relating to England [q]. This requeſt was too reaſonable not to be immediately granted. Though he had not yet acquired one foot of land in France, the new title was not diſpleaſing to the Engliſh, who fancied their king was become the greater for it. But pope Benedict was not pleaſed with it at all. He uſed his utmoſt endeavours to perſuade the king to quit the title, affirming, he had no right, by reaſon of the Salic law, concerning which Philip had taken care to inſtruct him to his advantage. But his exhortations were ineffectual.

The pope exhorts him to quit the title of king of France. Act. Pub. v. p. 173.

Though the firſt campain had produced no conſiderable event, Edward's preparations were a plain indication, that he expected greater matters from the ſecond. He had increaſed his fleet to three hundred [r] ſail of ſhips fit for war, and his army was much more numerous than the former. Every thing being ready about Midſummer, he embarked for Flanders, though he had intelligence, that the French fleet, conſiſting of four hundred ſail, waited for him in the way to Sluys. His eager deſire of acquiring fame, cauſing him to receive the news with more joy than ſurprize, he reſolved to open a paſſage through the enemy, notwithſtanding their ſuperiority. He met them on the coaſt of Flanders, as he expected, and without heſitation began the engagement. This was the greateſt and moſt memorable that had been yet ſeen in thoſe ſeas, and the firſt wherein a king of England commanded in perſon. The ſhips, for the moſt part, grappling one another, both ſides fought without ſtirring, as if they had been at land, from eight in the morning till ſeven at night. If Edward's valour filled the ſoldiers with admiration, his conduct raiſed no leſs wonder in the mariners, who were amazed to ſee him give orders with ſuch prudence and foreſight, that one would have thought he had commanded at ſea all his life. The preſence and reſolution of the king, who appeared wherever was moſt danger, ſo encouraged his men, that they fought with an aſtoniſhing bravery. The French behaved, on their part, with great courage; but, after ſuſtaining many hours the efforts of the Engliſh, they were forced at laſt to leap into the

Great preparations in England. Aveſbury. Knighton. Froiſſart. lib. 1. c. 55. Act. Pub. v. p. 195.

Edward gains a victory at ſea. Act. Pub. v. p. 195.

France ſuffers a great loſs.

[q] The parliament beſought him, that they might be bound to obey him only as king of England: and that this nation ſhould not be in ſubjection to him as king of France. Whereupon the king gave the parliament his letters patents of a ſingular nature for that purpoſe, which was alſo made into a ſtatute ann. 1341. See Statutes at large.

[r] Two hundred and ſixty. R. Aveſbury.

ſea, to avoid the ſword of their enemies. Of the whole French fleet, but thirty ſhips eſcaped [s], the reſt being either taken or ſunk: ſo Edward's victory could not be more compleat. The Engliſh pretend, the French loſt thirty thouſand men. This grievous misfortune was long unknown to Philip, no one daring to carry him the news, till his buffoon, by an unlucky jeſt, gave him occaſion to diſcover it [t].

Edward's good ſucceſs in this engagement, afforded him an opportunity of peaceably landing his troops in Flanders, where he aſſembled the fineſt army that was ever commanded by any king of England. It conſiſted of one hundred and fifty thouſand men, Engliſh, Germans, Flemings and Gaſcons. With theſe numerous forces he beſieged Tournay, after detaching fifty thouſand men under the conduct of Robert d'Artois, who poſted himſelf near St. Omer, to favour the ſiege. *Theſe laſt troops were chiefly compoſed of the militia of Flanders, who, knowing nothing of military diſcipline, went one day, without order, to the number of eighteen thouſand, to attack the ſuburbs of St. Omer, with deſign to plunder. The duke of Burgundy, who had thrown himſelf into that place, not being able to bear this bravado, ſallied out upon them, and ſlew above three thouſand. The loſs would have been inconſiderable, had it not produced a fatal effect. The ſame night, the Flemiſh troops, ſeized with a panic, quitted their camp in great diſorder, and ſhamefully retired, ſome to their own homes, others into Edward's camp. Some affirm, there was a battle, wherein Robert d'Artois was entirely routed by the duke of Burgundy. But Froiſſart, a cotemporary author, who relates this event in the above-mentioned manner, ſeems more worthy of credit than after-writers.

Edward beſieges Tournay. Act. Pub. v. p. 197. Froiſſart. lib. i. c. 57. Walſing.

Defeat of the Flemings. Ib. c. 67.

Mean time Philip, at the head of an army much ſtronger than Edward's, was advancing to the relief of Tournay. He was accompanied by the kings of Navarre and Bohemia, with all the nobility of his kingdom. His deſign was not however to engage, but only to harraſs the beſiegers, in order to oblige them to raiſe the ſiege. Edward quickly perceiving Philip's intent, was very ſenſible how difficult it would be to take the town, whilſt the French army was ſo near: wherefore, to oblige his enemy to alter his purpoſe, he ſent a herald with a letter [u],

Philip approaches Tournay. Walſing.

Edward challenges him

[s] Sir John Crabbe, one of king Edward's admirals, was detached with forty ſhips to purſue them, but could not overtake them. Knighton.

[t] He came into the king's preſence, in a ſeeming paſſion, and cried out ſeveral times, "cowardly Engliſhmen, "daſtardly Engliſhmen, faint-hearted "Engliſhmen." The king aſked him, why he called them ſo? The jeſter anſwered, "Becauſe they durſt not leap "out of their ſhips into the ſea, as "our brave Frenchmen did." Walſing.

[u] Dated in the fields near Tournay, July 26. Rymer's Fœd. T. v. p. 100. Philip's anſwer is dated the 30th of the ſame month.

Act. Pub. v. p. 198. Walſing.

chal-

challenging him to ſingle combat, or offering to decide their quarrel by a hundred on each ſide, or elſe by a general battle. The letter was directed, "To Philip de Valois," without any other title. Philip anſwered, "He had ſeen a letter addreſſed "to one Philip de Valois, but as it was not for him, he re- "turned no anſwer to the contents: nevertheleſs, he took "this occaſion to acquaint him, that with God's help, he "hoped to drive him in a ſhort time out of his territories."

His anſwer. Act. Pub. v. p. 198, 199.

It was difficult to forward the ſiege of Tournay, by reaſon of the French army, which never ceaſed night and day to harraſs the beſiegers. Edward was three months before the town, without making any great progreſs; and yet could not reſolve to raiſe the ſiege, though there was little proſpect of ſucceſs. He was in great perplexity, but was freed from it by Joanna de Valois his mother-in-law, ſiſter of the king of France, and widow of the late earl of Hainault. This princeſs, who was retired to the abbey of Fontenelle after the death of her huſband, came from her retreat to try to reconcile the two monarchs, one her brother, the other her ſon-in-law. She ſo managed it, that at length ſhe prevailed with them to conſent to a truce, which was to laſt from the 20th of September, to the 25th of June the next year. It was afterwards prolonged for two years by the pope's mediation. As ſoon as the truce was ſigned, Edward departed for England with his queen, who had lived three years in the Low-Countries. She had been delivered there of two princes, namely, Lionel [at Antwerp] and John at Ghent, known afterwards by the name of the duke of Lancaſter *.

Edward in great perplexity.

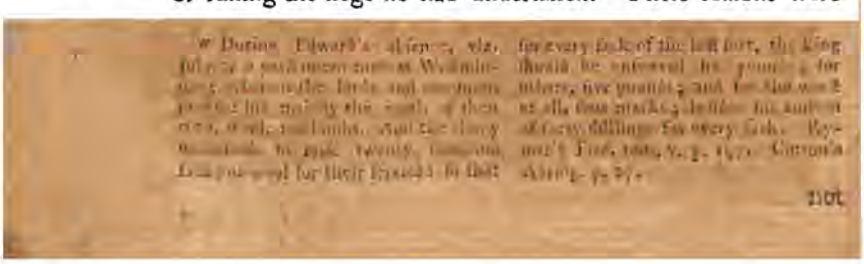
Froiſſart. lib. i. Knighton. Col. 2578. Walſing.

Truce between the two kings. Knighton. Act. Pub. v. p. 205, 260, 281.

Edward returns into England. Ib. p. 216.

It was a great mortification to Edward to be obliged, by the neceſſity of his affairs, to make a truce againſt his inclination, and which in effect broke all his meaſures. Three very urgent reaſons compelled him to take this ſtep, which ſeemed ſo little agreeable to his vaſt deſigns. Firſt, the defection of the emperor and the duke of Brabant, who had both receded from the league. Secondly, the exceſſive charge of maintaining ſo numerous an army, for which the money that came from England in leſs ſums than he expected, could not ſuffice. Laſtly, it was only a truce, which might ſave him the ſhame of raiſing the ſiege he had undertaken. Theſe reaſons were

The emperor and duke of Brabant fall off. Act. Publ. v. p. 208. Knighton. Walſing.



not

not only ſufficient to induce him to ſign the truce, but alſo indiſpenſably ingaged him to procure ſome repoſe, in order to remedy the inconveniencies cauſed by the levity of his allies, and the exhauſting of his treaſure. As for the duke of Brabant, he allured him ſome time with the hopes of the fore-mentioned marriage: he even demanded the pope's diſpenſation for it. But the affair, whether obſtructed by the king himſelf, or the court of Rome, came to nothing. Whereupon the duke of Brabant finding himſelf amuſed, withdrew his troops, without openly breaking however with the king. As to the emperor, the aſſiſtance Edward received from him was ſo inconſiderable, that he would not have been much weakned by that loſs. But the emperor, in making a private peace with France, on pretence that Edward had concluded a truce without him, had at the ſame time revoked his patent of Vicar General of the Empire. This unforeſeen accident, which cauſed ſome of the German princes to go from the league, obliged Edward to take other meaſures.

Act. Pub. v. p. 113, 134, 152, 214.

The emperor revokes his grant of vicar general.

Ib. p. 262. Knighton. Walſing.

But Edward's chief buſineſs was to conſider how to pay his debts, which were very conſiderable. Moreover, it was neceſſary to find means to continue the war when the truce ſhould be expired, without being liable to the like inconveniences. When he left England, he ſettled his affairs in ſuch a manner, that he did not queſtion to receive punctually the money he wanted for to pay his numerous army. But he was no ſooner engaged in the ſiege of Tournay, but, contrary to his expectation, he was in want of money, and found himſelf thereby in very great ſtreights [x]. Upon his arrival at London, he highly complained of the archbiſhop of Canterbury, whom he had left prime miniſter in his abſence. He accuſed him of maliciouſly obſtructing the levying of the ſubſidy granted by the parliament, though it was by his advice and inſtances, that he had engaged in the undertaking. Moreover he complained, that having begun the ſiege of Tournay upon the archbiſhop's aſſurances that nothing ſhould be wanting, he ſaw himſelf abandoned when he had moſt need of aſſiſtance. That the archbiſhop had not only broke his word, but likewiſe oppoſed all the expedients offered to raiſe money.

Quarrel between the king and the archbiſhop of Canterbury. Angl. Sacr. Walſing. Act. Pub. v. p. 225, 230, 240.

[x] The king, upon his return, ordered the following perſons to be impriſoned, the lord Nicolas de la Beche, conſtable of the Tower; Andrew Aubrey, mayor of London; the lord Thomas Wake; Sir John St. Paul, keeper of the great ſeal; the biſhop of Chicheſter, chancellor; the biſhop of Litchfield and Coventry, lord treaſurer; Sir John Stonore, lord chief juſtice of the King's bench; Michael Wath, Henry Stratford, and Robert Chickwel, clerks of the chancery; and Philip Thorp, clerk of the exchequer; who had been concerned in levying the ſubſidies, and had not acted honeſtly. Walſing.

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In ſhort, that he was the ſole cauſe of the length and ill ſucceſs of the ſiege of Tournay. The archbiſhop, ſeeing himſelf thus expoſed to the king's diſpleaſure, attempted in his turn to vex him. He complained of an extraordinary levy of money made ſince the king's return, contrary to the liberties of Magna Charta, and threatned the collectors with excommunication. His aim was to raiſe a commotion among the people. Probably, he would have carried his revenge farther, if he had not perceived his proceedings diſapproved by the parliament. As he was afraid of being abandoned, he choſe, though ſomewhat of the lateſt, to caſt himſelf upon the king's mercy. Edward very willingly received his ſubmiſſions, for fear of engaging in a quarrel, which muſt have been prejudicial to him, by reaſon of his frequent occaſion for the clergy's aſſiſtance.

1341. Walſing. The archbiſhop ſubmits.

Some have imagined the archbiſhop ſuffered himſelf to be gained by the pope, who was diſpleaſed with the war, and very much biaſſed in favour of France. There appeared quickly after a ſenſible proof of the pope's partiality in his putting all Flanders under an interdict, becauſe the Flemings had taken part againſt the king of France their ſovereign lord. The Flemiſh clergy obſerved the interdict ſo ſtrictly, that people were obliged to ſend into England for leſs ſcrupulous prieſts to celebrate divine ſervice. The Flemings received theſe eccleſiaſtics without any ſcruple, and pretended to evade the pope's cenſures, by affirming they were built upon a wrong foundation, ſince Edward was the real king of France, and Philip an uſurper.

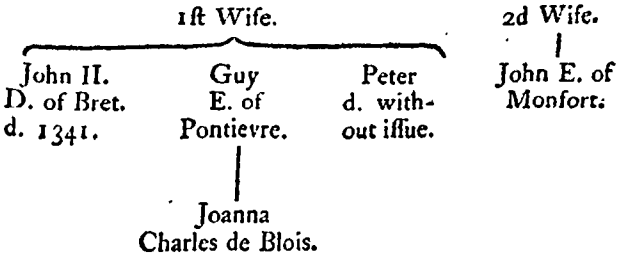
Benedict XII. partial to France. He puts Flanders under an interdict. Walſing.

The war undertaken by Edward againſt France had ſucceeded ſo ill, that all his expences had not acquired him one foot of land in the kingdom he had pretended to conquer. After ſo great, though fruitleſs endeavours, there was no appearance of his ever being able to exert the like: conſequently, it would probably make him deſiſt from his deſign. Beſides, the truce affording his enemy leiſure to prepare, he could have no hope of ſurprizing him: and yet, it is hard to judge, whether the negotiations for a peace during the truce were ſincere on his part, or intended only to amuſe his enemy. Be this as it will, if he really deſigned to make peace, he was not long in that mind. The proſpect of freſh advantages from the poſture of affairs in the duchy of Bretagne, ſoon made him reſolve to improve ſo favorable a juncture. The ſhare England had in the quarrel concerning the ſucceſſion of that dukedom, obliges me to give ſome account of the caſe, for the better underſtanding of the ſequel.

Negotiation for a peace between the two kings. Act. Pub. v. p. 251, 260, 306. Knighton.

ARTHUR

ARTHUR II. duke of Bretagne.



Arthur II. duke of Bretagne, left three ſons by his firſt wife; John II. who ſucceeded him, Guy earl of Pontievre, and Peter. By a ſecond wife he left a fourth ſon called John, who was earl of Monfort by his mother. John II. and Peter had no iſſue. Guy, who died in 1330, left a daughter named Joanna, who was given by her uncle John in marriage to Charles de Chatillon, brother to Lewis earl of Blois. He was generally called Charles de Blois. John II. dying in 1341, there remained two of the family, John earl of Monfort, and Joanna his niece, wife of Charles de Blois. They both laid claim to the dukedom. Joanna by right of repreſentation, as daughter of Guy elder brother of John de Montford, and this laſt as brother of the late duke, and conſequently one degree nearer than his niece. He pleaded likewiſe the advantage of his ſex; a reaſon of little weight, ſince Bretagne owned not the authority of the Salic law. But Charles had a great advantage over his competitor; namely, his being nephew to Philip de Valois, who was to decide the affair. On the other hand, the earl of Monfort had ſo managed, that immediately after the death of the duke his brother, he got poſſeſſion of Bretagne, and cauſed the greateſt part of his ſubjects to ſwear fealty to him: nay, he was now gone to England, where he had privately done homage to Edward, acknowledging him for king of France, and made alliance with him. By this proceeding, of which Philip was informed, he entirely forfeited that monarch's favour, who had no great kindneſs for him before. However, Philip willing to obſerve the cuſtomary formalities, ordered the two competitors to be ſummoned before the court of peers, to defend their rights and receive judgment. Monfort very imprudently repaired to Paris, imagining what he had done in England was ſtill a ſecret.

Affairs of Bretagne. Argentré. Hiſt. de Bret. Froiſſart. lib. i. c. 69, &c.

Diſpute between John de Monfort and Charles de Blois. Walſing.

They are both cited before the peers.

cret. But at his firſt audience, he found what he was to expect from the king, who plainly told him he had no pretenſions to Bretagne, and reproached him for his homage to the king of England. Monfort confeſſed he had been in England to ſee his friends, but denied the homage. But Philip being better informed than he imagined, commanded him not to ſtir from Paris, and appointed a day for the judgment of the proceſs. It was eaſy for Montfort to ſee what danger both his cauſe and perſon were in. So, taking a reſolution, he made his eſcape, diſguiſed like a merchant, and retired to Bretagne. This did not hinder in his abſence the deciſion of the affair in favour of Charles de Blois, who was declared duke of Bretagne, and forthwith admitted to homage. It is pretended, that in this judgment the peers obſerved not all the formalities requiſite in cauſes of this nature, and that their proceedings were not altogether regular. As to the main of the affair, though the deciſion was directly contrary to that in the caſe of the earl of Artois, they pretended the diverſity of the cuſtoms of the two countries was the reaſon; for in Bretagne repreſentation took place, but was not received in Artois. Be this as it will, Philip being highly provoked with the earl of Montfort, for doing homage to the king of England, confiſcated the earldom of Montfort: but to make up the loſs, Edward gave him in England the earldom of Richmond. Shortly after, John, eldeſt ſon of Philip de Valois, being commiſſioned to execute the decree given in favour of Charles de Blois, entered Bretagne at the head of a powerful army, and Montfort retired to Nantes, where he was immediately beſieged: Shortly after, the city being taken, and Montfort made priſoner, he was conducted to Paris, and committed to the great tower of the Louvre.

Montfort withdraws from Paris.

Bretagne adjudged to Charles de Blois.

Froiſſart. lib. i. cap. 74—77.

Philip confiſcates the earldom of Montfort.

Act. Publ. tom. v. p. 280, 299.

The earl of Montfort taken priſoner.

This event would doubtleſs have ended the quarrel between the two candidates, but Margaret of Flanders, wife of John de Montfort, undertook to ſupport her huſband's intereſts, in ſpite of the ill ſituation of his affairs. She came to London with her ſon, a child of four years old, and renewed the earl her huſband's alliance with Edward. By the new treaty ſhe poſitively engaged to put into the hands of the Engliſh all the places ſtill in her power; and to be better aſſured of the aſſiſtance of England, concluded a marriage between her ſon and one of Edward's daughters, and left the young prince at the Engliſh court to be educated, or rather to be an hoſtage. The treaty procuring Edward an entrance into Bretagne, and by that means an opportunity of attacking Philip from that quarter, he

His wife manages his affairs.

Froiſſart. lib. i. cap. 77.

She renews the treaty with Edward

Act. Publ. tom. v. p. 331.

he forthwith diſpatched Robert d'Artois thither[x]. Robert quickly became maſter of Vannes, and then ordered Rennes to be beſieged. Whilſt his troops were employed in the ſiege, the heads of the contrary party, knowing he ſtaid at Vannes with a few troops, inveſted the town and carried it by ſtorm. Robert being mortally wounded, with great difficulty eſcaped to Hennebond, where he died of his wounds. Edward received the news of his death with grief: he ſwore to revenge it, and kept his oath but too punctually. Robert d'Artois's expedition into Bretagne gave Philip occaſion to complain that Edward had violated the truce; and to be even with him, he cauſed hoſtilities to be renewed in Guienne. Thus the two monarchs prepared again for war, by mutually accuſing one another of breaking the truce.

1342. Edward ſends Robert d' Artois into Bretagne; Act. Publ. tom. v. p. 29, 325, 344. Knighton. where he is killed.

William de Bohun earl of Northampton, who had taken the command of the Engliſh troops in Bretagne after the death of Robert d'Artois, was unable to make any progreſs with ſo ſmall an army. Mean time it was of great moment to Edward to become maſter of that duchy; and therefore he reſolved to go thither in perſon, with more forces. Upon his arrival, he beſieged at once Nantes, Rennes, Vannes, and Guingamp. Philip knowing how prejudicial to him the ſettlement of the Engliſh in Bretagne might be, he reſolved to drive them thence at any rate. To that end he raiſed an army of fifty thouſand men, under the command of the duke of Normandy his eldeſt ſon. The young prince marching with the utmoſt expedition, had the good fortune to enter Bretagne before any of the places beſieged were taken. His approach obliged the king of England to raiſe the four ſieges and draw all his troops together, which were ſtill inferior to the French. The two armies remained the beſt part of the winter encamped near each other, but ſo well intrenched that neither of the leaders ſhowed any inclination to engage. The duke of Normandy was unwilling to run any hazard, becauſe having done what he wanted, he was in hopes of ſtarving his enemies. Edward cared as little to venture a battle unleſs forced againſt an army much ſtronger than his own. Whilſt theſe two princes lay thus encamped, two legates from Clement VI the new pope, had time to arrive and negociate between the

Edward goes in perſon to Bretagne, and beſieges four towns. Act. Publ. tom. v. p. 324, 330. Knighton. Walſing.

The duke of Normandy cauſes him to raiſe the ſiege. Froiſſart, lib. 1. cap. 52.

1343. The[illegible] for three years. Act. Publ. tom. v.

two crowns a truce for three years [y], wherein all the allies on both sides were included. They made the two kings likewise promise to send ambassadors to Avignon, to treat of a peace by the pope's mediation.

Affairs of Scotland.

Act. Publ. tom. v. p. 126.

Progress of the Scots since 1339.

Robert Stuart besieges and takes Perth in 1339.

Buchanan.

Knighton.

Whilst Edward was employed in his wars with France, the Scots had endeavoured to recover their liberty. Since Edward quitted Scotland, king David's adherents had gained great advantages over Baliol, who commanded the English army, but had not sufficient forces to stop their progress. Robert Stuart, regent of Scotland for king David, maintained by his valour and conduct the interests of the young exiled prince. He was bravely seconded by William Douglas and some other lords, who still retained an inviolable fidelity for their lawful sovereign. Though a body commanded by Douglas, received a sad loss, Robert still continued to keep his ground: he even saw himself, shortly after, in a condition to besiege Perth or St. Johnston, the strongest place the English had in Scotland. The siege lasted three months, by reason of the besiegers great want of ammunition; but a seasonable supply from France enabled them at length to take the place. This loss obliged Baliol to quit the centre of the kingdom, and retire to the borders, where he sheltered himself by means of the places he had resigned to the English. The truce concluded before Tournay, wherein Scotland was included, obliged Stuart to lay down his arms for some time. But no sooner was the truce broken, on account of the affairs of Bretagne, but the Scots re-assembled, and besieged Sterling, of which they became masters, after numberless assaults without any intermission.

and Sterling in 1340.

Edward marches against Scotland in 1343.

Act. Publ. tom. v. p. 269, 305.

His fleet suffers by a storm.

Knighton.

Buchanan.

This progress convincing Edward of his mistake, in imagining that kingdom was disabled from giving him any trouble, he resolved to invade it once more by sea and land. To that purpose he repaired to the frontiers, where he waited for his fleet, which was to join him at Newcastle: but a violent storm, which lasted several days, rendered his ships unserviceable for that year. This accident hindered his entering Scotland, as it deprived him of the provisions and ammunition on board his fleet. He could not expect to find any in the enemy's country, because the Scots themselves laid it waste, to deprive his army of means of subsisting. However, their ignorance of his state freed him from his difficulties. As

[y] Rapin, by mistake, says for two. It was to be from the beginning of February till the Michaelmas ensuing; and from that time it was to be till the Michaelmas come three years. See Rymer's Fœdera, tom. v. p 357, 367. This truce was signed January 19, 1343.

they

they saw themselves much inferior to that prince, who threathed their country with utter desolation, they humbly sued for a truce, which they thought themselves happy in obtaining. Edward took care not to refuse it; but taking advantage of their terror, would grant it only upon the condition that they should own him for sovereign of Scotland, and renounce their allegiance to king David, in case that prince came not in person into the kingdom before the next May, with an army strong enough to give battle. This condition put the king of France under a necessity of assisting his ally better than he had hitherto done, for fear of being deprived of the advantages procured by the frequent diversions of the Scots: wherefore he furnished king David with men and money, and sent him into Scotland, where he levied a very considerable army, consisting, as it is said, of sixty thousand men, Scots, French, Danes, and Norwegians. With these troops he marched towards the frontiers of England, and penetrated as far as Durham, which he besieged: in a few days he took the city, and put all the inhabitants to the sword. He would have proceeded, but upon advice that Edward was hastening to give him battle, he resolved to retire, his generals representing to him, that he could not stay any longer in England without exposing himself to the hazard of a battle, which might a second time endanger his kingdom. Whilst he was marching back to Scotland, the garrison of Werk castle, blonging to the countess of Salisbury, falling upon some of his troops that were behind, he was so incensed that he resolved to take the castle. He stormed it several times, but was bravely repulsed by the countess's people, who was herself in the place. This resistance, and the news of Edward's approach, made him desist: he could not retire more seasonably, since Edward came that very day to the castle. He paid a visit to the countess of Salisbury [z], which has given occasion to some historians to say he fell desperately in love with her. It would be easy to confute what they groundlessly advance; but as his love, whether true or false, produced no remarkable event, it will be needless to say any thing of it. Next day Edward continued his march in quest of the enemy, but being informed the Scots were retired to Gedeour's [a] forest, he ceased his pursuit. As his affairs were not yet in a good posture in Scotland, and the war was very unseasonable with regard to the measures he

He grants the Scots a truce. Act. Pub. tom. v. p. 305. Knighton.

David returns to Scotland; Froissart. lib. i. cap. 83. Buchanan. lib. ix. takes Durham, and retires; Knighton.

is repulsed at Werk.

Edward visits the countess of Salisbury. Froissart.

[illegible]

[z] She was sister to John Plantagenet earl of Kent, and daughter of Edmund late earl of Kent, king Edward's uncle. J. Barnes, p. 231.

[a] So it is called by Froissart, lib. i. cap. 81. But by our English historians, Yedworth. See Tyrrel, vol. iii. p. 463.

Act. Publ. tom. v. p. 379.

was to take againſt France, he ſent David an offer of a two years truce, which was accepted with Philip's conſent. The truce helped the king of Scotland to fix himſelf more firmly in his throne, and gave the king of England time to think of his other affairs.

Edward calls a parliament. Knighton.

Edward's thoughts for many years were ſo wholly engroſſed by military affairs, that he had not been able to find time to redreſs ſeveral grievances complained of by the people, and which highly deſerved a particular attention. When the truce with France and Scotland afforded him ſome reſpite, he called a parliament to conſult of means to ſecure the welfare and tranquillity of the nation. During the ſeſſion, which laſted good part of the winter, the parliament made it their chief buſineſs to enact divers regulations, very beneficial to the people and not oppoſed by the king: on the contrary, Edward very ſolemnly confirmed all the liberties contained in the Magna Charta, ſhowing thereby that he had no leſs at heart the good of his people, than his own or that of his ſucceſſors. Among the ſeveral acts paſſed in this parliament, one of the moſt important was the Statute of Proviſors, that is, an act againſt thoſe who brought proviſions from the court of Rome for benefices. The former popes very much abuſed the power they aſſumed to diſpoſe of the benefices of the kingdom: without ſtaying till they were vacant, they frequently conferred them on perſons, who were to take poſſeſſion upon the death of the incumbents, which raiſed loud complaints from the patrons. Clement VI. proceeding in this reſpect farther than any of his predeceſſors, the parliament had been forced to complain of it to him, but to no manner of purpoſe. Inſtead of reforming the abuſe, which was the more intolerable as all the benefices were beſtowed upon foreigners, the pope exhorted the king in a letter, to withdraw the complaints againſt the proviſions, which in his opinion were an undeniable prerogative of the holy ſee. This letter ſhowing it was in vain to expect any redreſs from the pope, the parliament reſolved to provide againſt this abuſe by their own authority. To that end the fore-mentioned ſtatute was paſſed, whereby it was forbid, under ſevere penalties, to bring for the future the like proviſion into the kingdom [b]. Though the ſtatute extremely diſpleaſed the pope,

Statute of Proviſors.

Act. Publ. tom. v. p. 377, 382, 385. Knighton.

Ib. p. 392.

[illegible] See the Statutes.

he

he thought fit to be ſilent; being informed that the king and parliament were reſolved to ſupport it, and contemn his cenſures, in caſe he had recourſe to them. However, not to ſuffer his pretended right to be entirely loſt; he feigned to take no notice of the act: but although he afterwards granted, from time to time, ſeveral proviſions, it was with ſuch caution, that the abuſe was conſiderably leſſened during this whole reign. On the other hand, the king, who had no mind to break with the court of Rome, was content with leaving the ſtatute in force without a rigorous execution. But in proceſs of time, under Edward's ſucceſſors, the popes returning to their former courſes, there was a neceſſity frequently to renew this ſtatute, which was called the Statute of Præmunire, containing, beſides the prohibition of proviſions, ſeveral other caſes concerning the diſputes with the popes [c].

In this parliament the king created Edward his eldeſt ſon Prince of Wales, and inveſted him with a coronet and a ring of gold. This prince was then thirteen years old, and gave great hopes of what he would one day prove. Prince Edward created prince of Wales.

Whilſt Edward ſeemed wholly employed with domeſtic, he neglected not foreign affairs. His mind was continually on the rack, to find means to renew the war with France, the moment the truce ſhould be expired. He appeared however inclinable to peace, and continued at the court of Rome negociations, which daily met with freſh obſtacles. But, whether his view was only to amuſe his enemy by theſe negociations, or he expected them to be unſucceſsful, he neglected not his preparations for war. He had found ſo little advantage in his alliances with the princes of Germany and the Low Countries, who had cauſed him to conſume ſuch immenſe ſums to no purpoſe, that he reſolved to take another courſe. To that end he diſpatched into the Low Countries and Germany, agents, with power to treat with all ſorts of perſons that were willing to ſupply him with men or money. Beſides that all theſe aids, when drawn together, would produce the ſame effect with much leſs expence, he hoped to be able to diſpoſe of his troops more abſolutely than of thoſe of the princes: moreover his aim was to render Philip's intrigues more difficult, whereby he was perpetually endeavouring to corrupt his allies. For the better accompliſhing his deſign, and to draw into his kingdom foreign lords, with whom he might in perſon negociate, he bethought himſelf of Edward prepares for war with France. Act. Publ. tom. v. p. 409.

[c] See the notes in the State of the church, at the end of the reign of Richard II.

an expedient which could not fail of ſucceſs, becauſe it was entirely agreeable to the taſte of that age. He ordered tournaments to be publiſhed, and gave an honourable reception to all perſons of diſtinction that were pleaſed to be preſent, careſſing them in ſuch a manner that they could never ſufficiently admire his politeneſs, magnificence, and liberality. To render theſe entertainments the more ſolemn, and withal to free himſelf from the ceremonies, to which the difference of rank and condition would have obliged him, he cauſed a circular hall of boards to be run up at Windſor, two hundred feet in diameter. There it was that he feaſted all the knights at one table, which was called the Round Table, in memory of the great Arthur, who, as it is pretended, inſtituted an order of knighthood by that name. Next year he cauſed a more ſolid building to be erected, that he might continue yearly the ſame diverſions. During that time he treated with ſeveral lords about the aids wherewith each could furniſh him in proportion to his forces. The Collection of the Public Acts is full of the treaties with private perſons, managed either by himſelf or his agents. Philip could not ſee without jealouſy, Spaniards, Italians, Germans, Flemings, and Frenchmen themſelves, flock to England to aſſiſt at the tournaments. He ſuſpected ſome hidden deſign in theſe entertainments; and to break Edward's meaſures, cauſed the like to be publiſhed in his dominions [d]. This way of oppoſing his enemy was in itſelf juſt and honourable; but ſoon after he uſed another means that was not ſo generally approved, and was attended with great conſequences. It is affirmed, that having drawn to Paris, under colour of a tournament, Oliver de Cliſſon and ten or twelve other lords of Bretagne, who attended Charles de Blois, he commanded their heads to be cut off, without any formality. But it appears by a letter from Edward to the pope upon that occaſion, that Philip did not allure theſe lords to Paris, but apprehended them in Bretagne. As this action was the cauſe of breaking the truce, it will be neceſſary to explain it; for there is no other way of knowing who was author of the rupture. Oliver de Cliſſon, a lord of Bretagne, having ſerved Charles de Blois, during the war, was taken priſoner by Edward, who having probably gained him, conſented he ſhould be exchanged for an Engliſhman [e]. Whether Philip had proof of his changing ſides, or only ſuſpected it, he ordered him to be apprehended in Bre-

The Windſor tournaments. Walſing.

The Round Table.

Deſign of the tournaments.

Philip publiſhes the like. Walſing.

He beheads ſeveral lords of Bretagne. Froiſſart. lib. i. c. 106. Act. Publ. tom. v. p. 453.

Explanation of this affair.

[d] And alſo gave his ſubjects free leave to cut down timber in his foreſts, and build ſhips, that he might be able to beat the Engliſh at ſea. Walſing.

[e] He was exchanged for the lord Stafford. Froiſſ.

tagne,

tagne, with ten or twelve lords and gentlemen, and conducted to Paris, where their heads were ſtruck off. I believe I may venture to affirm, theſe lords were apprehended in Bretagne, becauſe the pope in his anſwer to Edward's letter and his vindication of Philip, ſaid not a word to the contrary. But perhaps ſome of theſe lords or gentlemen were ſeized at Paris, and the reſt in Bretagne, by the king's order. What makes it ſo difficult to judge rightly of this action of Philip, is, that, according to Froiſſart, Argentré, and all the French hiſtorians, theſe lords had always eſpouſed the quarrel of Charles de Blois, and yet Edward in his letter to the pope, calls them his Adherents [f]. They muſt therefore have changed ſides, either publicly or privately, after the truce, and this is difficult to know preciſely. It ſeems however, Edward would have had no reaſon to concern himſelf in the affair, if the lords had only been his private adherents, whilſt outwardly they continued attached to the intereſts of France. This, added to Edward's letter to the pope, ſeems to prove at leaſt, ſome of theſe lords openly declared for the earl of Montfort. Upon this ſuppoſition, there is no doubt that Philip violated the truce, in commanding them to be ſeized in Bretagne. But, on the other hand, if the lords are ſuppoſed to have been only Edward's ſecret friends ſince the concluſion of the truce, the two following queſtions may be put. Firſt, whether Philip had a right to cauſe them to be ſeized in Bretagne, during the truce? Secondly, whether as ſovereign lord of Bretagne, he might exerciſe ſuch a power over theſe lords, eſpecially as the putting them to death in ſo illegal a manner, was rather a murder than an act of juſtice? Be this as it will, Edward pretended that by this action the truce was violated, and Philip maintained that Edward uſed a falſe pretence to break it.

Walſing. Act. Pub. v. p. 453.

1344. Edward ſends word to the king of France that the truce was broken. Act. Pub. v. p. 448, 450.

Edward was ſo enraged at the tragical death of the lords of Bretagne, that he was going to behead the Bretagne priſoners of Philip's party, which were in his power; but, upon the remonſtrances of Henry of Lancaſter, he altered his reſolution. However, he ſent for Henry de Leon, one of the priſoners, and told him, with great emotion, that though the death of his countrymen, beheaded at Paris, was a ſufficient reaſon to ſerve him in the ſame kind, he was unwilling to follow ſo bad an example, or to revenge himſelf on the innocent, but intended to puniſh the author himſelf of that barbarity. Then he ſaid, though he might demand of him a

[f] Quorundam nobilium, nobis adhærentium, captorum in Britannia. Rym. Fœd. tom. v. p. 453.

ranſom of thirty or forty thouſand crowns, he would releaſe him for ten thouſand, on condition he would go in his name and defy Philip, and declare to him, that having violated the truce by this baſe action, he muſt prepare for war.

He ſends a defiance to Philip. Ibid. p. 449.

Theſe were not fruitleſs menaces. Edward, in his reſolution to puſh the war with more vigor than ever, ordered a commiſſion to be drawn up, conſtituting the earl of Northampton his lieutenant-general in France, commanding him at the ſame time to defy Philip, and declare war againſt him by ſea and land. Shortly after he ſent into Guienne, Henry of Lancaſter earl of Derby [g], to begin hoſtilities, till he ſhould come himſelf, deſigning to exert himſelf moſt in that province. Mean time he ſent for John de Montfort into England, who had made his eſcape from Paris, and received his homage for Bretagne. He received likewiſe the homage of Geoffrey de Harcourt [h], for his lands in Normandy confiſcated by Philip, and promiſed by letters patent, either to recover his eſtate, or give him an equivalent in France or England. Shortly after, he publiſhed a manifeſto, concerning all the injuries received from Philip de Valois. He exhorted the French to own him for ſovereign, promiſing to exempt them from taxes, and govern them according to the laws and cuſtoms obſerved in France, under St. Lewis his predeceſſor. He forgot not to write to the pope, to inform him of his reaſons to renew the war; but the pope's anſwer plainly ſhowed him to be a partial mediator. He not only excuſed Philip's proceedings againſt the lords of Bretagne, and charged Edward with being the firſt violator of the truce, but threatened alſo to exert his apoſtolic authority againſt him. This was ſufficient to convince Edward, he could expect no favour from the pope; accordingly he addreſſed himſelf to him no more, but only for form ſake, and to keep a decorum [i].

The earl of Derby begins the war in Guienne. Froiſſart. l. i. c. 107. Walſing. Edward receives the homage of Montfort and Harcourt. Argentré. Act. Pub. v. p. 452, 460, 465. Froiſſart. l. i. c. 118. Buchanan. Act. Pub. v. p. 453, 465.

1345. Edward goes into Flanders Ibid. p. 472, 474.

Whilſt theſe things were tranſacting, Philip was trying to diſengage the Flemings from the intereſt of England. Ed-

g Along with him was ſent Richard Fitz-Alan earl of Arundel, as joint lieutenant; and alſo Laurence Haſtings earl of Pembroke, John de Vere earl of Oxford, the lord Stafford, Sir Walter Manny, &c. together with three hundred knights and eſquires, ſix hundred men at arms, and two thouſand archers. They landed at Bayonne, June 6. Froiſſart. lib. i. cap. 107.

h Brother of the count of Harcourt: he was a very conſiderable nobleman, lord of St. Saveur le Vicomte, and ſeveral other towns in Normandy. He was baniſhed from France, upon account of the jealouſy conceived of him by king Philip. Froiſſart.

i This year a parliament met at Weſtminſter, June 7, which granted the king a tenth for three years. And the commons granted the king, beſides, two fifteenths of the commonalty of the land; and two tenths of the cities and boroughs: after which the commons granted another fifteenth. Rot. Parl. 18. Edw. III. n. 3—10.

ward

ward hearing of theſe practices, ſuddenly paſſed into Flanders, where he ſtayed but three weeks. At his return he pretended to have prevented the miſchiefs, he had reaſon to fear, from the inconſtancy of the Flemings; but the ſequel ſhowed he had flattered himſelf too much, or the Flemings had deceived him, ſince it is certain they never more gave him any aſſiſtance.

Progreſs of the earl of Derby. Froiſſart.

Mean time the earl of Derby made a conſiderable progreſs in Guienne, where he carried by ſtorm the town of Bergerac, which was given up to be plundered. Hiſtory ought to record the generoſity of that general, ſeldom imitated by thoſe of our days. Whilſt the Engliſh were buſy in plundering the town, a Welch knight chanced to light upon the receiver's office; he found there ſuch a quantity of money, that he thought himſelf obliged to acquaint his general with it, imagining ſo great a booty belonged to him: but he was agreeably ſurprized when the earl told him, with a pleaſant countenance, that he wiſhed him joy of his good fortune, and did not make his word to depend on the greatneſs or ſmallneſs of what he had promiſed [k].

Generous act of his. Walſing.

This year the Scots, at the inſtigation of the king of France, made an inroad upon the borders of England, but were repulſed by Edward's troops in the northern counties. Walſing.

John de Montfort, who took the title of duke of Bretagne, died in September, leaving to the king of England the guardianſhip of his ſon, and to Margaret his ducheſs the management of a very important war. Knighton.

Whilſt theſe things paſſed, Edward loſt the aſſiſtance of a powerful ally, by the death of James d'Arteville, who was torn in pieces by the Flemings [l]. His death entirely changing the face of affairs in the Low Countries, it was by no means proper to attack France from that quarter; for this reaſon Edward reſolved to carry the brunt of the war into Guienne.

1346. The duke of Normandy makes great progreſs in Guienne. Froiſſart. l. 1. c. 119, 122.

The duke of Normandy had now entered that province at the head of ſixty thouſand men [m], to ſtop the progreſs of the

[k] Mr. Tyrrell thinks it moſt probable, that this happened at the taking of Monſtreuil and Beaucaire; but it might have been at the taking of Bergerac; if, as Knighton relates, that town was fo full of riches, that the earl of Derby got there a pipe full of gold.

[l] He had formed a project, in order to raiſe his family, utterly to diſinherit Lewis earl of Flanders, and to put the government of it into the hands of the king of England, on condition he would follow it upon prince Edward his ſon, with the title of duke. Accordingly, king Edward went over about Midſummer to Sluys for that purpoſe; but the people diſliking Arteville's propoſal, one of them ſlew him outright. Froiſſart.

[m] Froiſſart ſays, he had with him about one hundred thouſand men.

earl of Derby, and compleat the conqueſt thereof. Upon the approach of this formidable army, the earl left the field and retired to Bourdeaux. His retreat giving the duke of Normandy an opportunity of retaking ſeveral places, he was at length engaged in the ſiege of the caſtle of Aiguillon, ſeated upon the confluence of the Gironne and Lot. The ſiege was very remarkable, as well for the vigorous aſſaults of the beſiegers, who, for a whole week, ſtormed the town three times a day, as for the brave defence of the beſieged, who were not to be diſcouraged by ſo frequent attacks. To relieve theſe brave men Edward haſtened his preparations, determining to go in perſon and oppoſe the duke of Normandy's progreſs [n].

The famous ſiege of Aiguillon. id. c. 124.

1346. Every thing being ready for his departure, he came to Southampton, bringing with him the prince of Wales his eldeſt ſon, about ſixteen years old, who was to make his firſt campaign. Before the embarkation of the troops he aſſembled his principal officers, and "exhorted them ſo to behave, "as ſhould render them worthy of his eſteem, and the re- "wards he deſigned for thoſe that diſcharged their duty. He "declared his intention was to ſend back his ſhips the mo- "ment he arrived in Guienne; and therefore it would be in "vain to hope to ſee their own country again unleſs they re- "turned victorious. He added, if any man's heart failed him, "he need only ſpeak freely, and he ſhould inſtantly have his "leave to ſtay behind." This ſpeech being ſpread in the army, the ſoldiers cried out with one voice, they were ready to follow their king where-ever he was pleaſed to lead them. So ſudden and univerſal a reſolution inſpiring him with great hopes, he embarked his troops with deſign to ſail for Guienne; but the wind proving contrary, he was driven back twice [o]. Geoffry de Harcourt, who attended him, made uſe of this juncture to perſuade him to land in Normandy, a plentiful country, which had long been exempted from the calamities of war. Edward following his advice, landed at la Hogue in le Cotentin, where he was by no means expected [p].

Edward imbarks for Guienne. Act. Pub. v. p. 517. Froiſſart. l. i. c. 124. Knighton.

He puts back twice. Walſing. Act. Pub. v. p. 522.

He lands in Normandy.

n But firſt held a great council at Weſtminſter, where, by their advice, he took into his hands all the revenues in England enjoyed by alien eccleſiaſtics, and the cardinals of the French faction. Rymer's Fœd. tom. v. p. 490.

o He ſet ſail July 4, but was driven back on the coaſt of Cornwal. His army conſiſted of four thouſand men at arms, ten thouſand archers, twelve thouſand Welſh rootmen, and ſix thouſand Iriſh; beſides great numbers of the chief nobility, whoſe names ſee in Froiſſart. Knighton ſays, he had one thouſand ſix hundred ſhips, great and ſmall.

p This he might do by way of retaliation, for a project formed by the people of that country, and their duke, to come and invade England. See Rym. Fœd. tom. v. p. 504. 507.

The

The moment he landed he knighted the prince of Wales, and ſeveral other young lords [q]; after which he headed his army, conſiſting of thirty thouſand foot, and two thouſand five hundred men at arms. He divided his troops into three bodies, who marched ſeparately in the day, but commonly reioined in the evening, in order to encamp all togethef. In their firſt marches they revenged in a terrible manner, the death of the lords beheaded at Paris. Valogne, St. Lo, Carentan, Harfleur, were the firſt towns that felt the fury of the Engliſh arms. Ralph earl of Eu, Conſtable of France, then at Caen, offering to oppoſe the Engliſh, with the militia of the country, ſerved only, by his being defeated and made priſoner, for a happy preſage of their future victories. After the defeat of the conſtable, Edward continued his march through the biſhoprics of Liſieux and Evreaux, burning and plundering whatever came in his way. He halted not till he arrived at Poiſſi, where he ſtaid ſome days to provoke Philip to engage, by ſending a herald to him with a defiance, which was not accepted. Philip had another deſign, and that was to incloſe him between the Seine and the Oyſe. Had the project ſucceeded, the Engliſh army would have been unavoidably ruined; but Edward perceiving his intent, though ſomewhat of the lateſt, decamped from Poiſſi in order to paſs the Somme, and take ſhelter in Ponthieu, knowing his enemy was advancing with an army of an hundred thouſand men. He marched a good way down the Somme, without finding any paſſage; at laſt, he diſcovered the ford of Blanchetaque by means of a priſoner [r], who was perfectly acquainted with the country. Though the diſcovery ſeemed at firſt a great advantage, he quickly found the difficulties of his retreat were not much leſſened. Philip foreſeeing the enemy might take that rout to retire detached Gondemar du Fay, with a body of twelve thouſand men to guard the ford, on which depended the ſucceſs of his deſigns. Edward ſaw himſelf therefore under a neceſſity, either of forcing the paſſage, or fighting with great diſadvantage his enemy, who was cloſely purſuing him. Being come to a reſolution, he ordered his troops to advance, who being animated by the preſence of their king, caſt themſelves into the river with ſuch intrepidity, that they began to vanquiſh their enemies before they came to the charge. One may eaſily imagine the difficul-

He knights the prince of Wales, Ib. p. 527.

and ravages the country. Meſerai. Froiſſart. I. i. c. 125, 126. Knighton.

Advances to Poiſſi. Ad Murim. Philip tries to incloſe him between two rivers.

Edward retires into Ponthieu. Froiſſart. I. 1. c. 121.

He forces a paſs defended by the French. Id. c. 129. Knighton.

[q] William de Montacute earl of Saliſbury, Roger lord Mortimer, &c.

[r] A yeoman's ſon of Normandy, called Gobin Agace. Froiſſart. Chron. Eveſh.

ties

ties which occur in ſuch a paſſage, in the face of the enemy, for an army which cannot enlarge its front beyond the breadth of the ford, and is obliged to march through the water, and at the ſame time handle their arms. But all this was not capable of ſtopping the Engliſh, who, in the ſight of their king, witneſs of all their actions, marched through all obſtacles, as to a certain victory. It was not poſſible for the French to ſuſtain ſo furious an attack. After ſome endeavours to repulſe the Engliſh, they were forced to abandon that important paſſage, through which Edward immediately marched his whole army. The ſame evening he encamped at Creſſy, whilſt Philip paſſed the Somme at Abbeville, but three leagues from thence.

He ſtays for Philip at Creſſy. Froiſſart. Knighton.

Edward ſeeing himſelf ſo cloſely purſued, and perceiving it would be impoſſible to avoid fighting, ſtopped ſhort to expect his enemies, and choſe an advantageous ground, where he drew up his army. Philip being perſuaded that Edward's retreat was the effect of his fear, did not queſtion that to overtake was to conquer. So, not to afford him time to retire any further, he marched next day to Abbeville, with deſign to attack him. The Engliſh army was divided into three bodies, of which the prince of Wales commanded the firſt [s]. The ſecond was led by the earls of Northampton and Arundel [t], and the lord Roſs. The king kept at ſome diſtance with the third [u], to aſſiſt thoſe that ſhould want it. Philip could not come in ſight of the enemy till three in the afternoon, having marched that day three leagues, ſo that it was almoſt four o' clock when the battle began. He had likewiſe divided his army [w] into three bodies, the firſt where-

Battle of Creſſy. Froiſſart. c. 132. Knighton. Walſing.

[s] And with him were joined, Thomas Beauchamp earl of Warwick, John Vere earl of Oxford, Geoffrey Harcourt; and the following lords, Ralph Stafford, John de la Ware, Thomas Holland, Reginald Cobham, Bartholomew Burwaſh, John Mohun, Robert Bourchier, John Chandos, Thomas Clifford, and ſir Robert Neville; this body conſiſted of eight hundred men at arms, four thouſand archers, and one thouſand, or, according to others, ſix thouſand Welſhmen.

[t] Richard Fitz-Alan earl of Arundel, and William Bohun earl of Northampton; together with the lord John Willoughby, the lord Ralph Baſſet of Sapcote, the lord Multon, ſir Lewis Tufton of Toketon. This body conſiſted of eight hundred men at arms, two thouſand four hundred archers, and four thouſand bill-men

[u] Who had with him John lord Mowbray, Roger lord Mortimer, Thomas lord Dagworth, ſir Richar' Goldeſborough, ſir Richard Damory, ſir Nele Loring, ſir Hugh Haſtings, ſir John Butterell. This body conſiſted of ſeven hundred men at arms, ſix thouſand archers, and five thouſand three hundred bill-men, in all twelve thouſand men: and the whole army amounted to thirty thouſand compleat. J. Barnes. Froiſſart.

[w] It conſiſted of near one hundred thouſand men. See Froiſſart, cap. 122, 129. The French army began the attack, it ſeems, againſt the king's orders; and engaged in a very confuſed and diſorderly manner; and beſides, had the ſun in their faces.

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of conſiſted of Genoeſe [x], under the command of Antonio Doria, and Carolo Grimaldi. As the chief ſtrength of his infantry lay in theſe troops, he would have them charge firſt. Juſt as the battle was going to begin, a great and ſudden rain ſlackening the ſtrings of the Genoeſe croſs-bows, they became unſerviceable. However, as they were now too far advanced, they ſaw themſelves expoſed to a ſhower of Engliſh arrows, which made them give ground. Charles earl of Alenſon, the king's brother, who ſupported them with a great body of horſe, ſeeing them give way, without knowing the cauſe, imagined there was treachery, and immediately ordered the horſe to fall upon them, by which raſh action he began to put the French army in diſorder [y]. Mean time, the earl never troubling himſelf about the Genoeſe, nor minding what paſſed behind him, attacked the firſt body of the Engliſh, commanded by the prince of Wales, and was received with a firmneſs he little expected. He continued however his efforts, which only cauſed him to loſe his life, valiantly fighting. By his death, the body he commanded, began by degrees to be ſhaken; and, as they could not be ſpeedily ſupported, by reaſon of the diſorder cauſed by themſelves among the Genoeſe troops, were at length put to flight.

The body commanded by Alenſon, defeated.

The prince of Wales having ſo great an advantage in the firſt onſet, Philip ordered a numerous body of horſe to advance, to repair the diſorder cauſed by the defeat of the firſt. Thus the French had always the ſuperiority of number, though the Engliſh ſtill kept their ground. In all appearance the young prince, who fought with an heroic courage, determined to conquer or die, would have been overpowered by numbers; if the earls of Northampton and Arundel had not come to his relief. Their approach drew thither more French troops, the ſmall extent of the field not permitting the two armies to engage all at once; ſo the fight was very obſtinate. The valour of the prince of Wales, which filled the Engliſh generals with admiration, made them at the ſame time extremely uneaſy with regard to his perſon, becauſe of the ſuperior number of the enemies. Apprehenſive that ſome

The prince of Wales performs wonders. Froiſſart, l. 1. c. 132.

[x] It is ſaid, there were no leſs than fifteen thouſand Genoeſe. Ibid. cap. 132.

[y] In this manner the French hiſtorians ſpeak of the beginning of the engagement. It muſt be that the ſtrings of the Genoeſe croſs-bows were of a different nature from thoſe of the Engliſh, ſince the rain had no effect on theſe. Rapin. It ſeem the Engliſh bows were kept covered in their caſes.

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misfortune might happen to him in the end, they ſpeedily ſent the king word, that it was time to come to the prince's relief, who was like to be oppreſſed by numbers. Far from being moved at the meſſage, Edward aſked, whether his ſon was ſtill alive? and being told he was not only alive, but fighting with an aſtoniſhing valour, replied to the meſſenger, "Tell my generals, that as long as my ſon is alive, let them "ſend no more to me, for the honour of the day ſhall be "his, and he muſt now merit his ſpurs." This anſwer inſpiring the prince with freſh courage, he broke through his enemies who were ready to ſurround him. His troops imitating his heroic bravery, ſeconded him ſo well, that the French began to give ground, and at length to diſperſe in confuſion.

The king leaves the honour of the day to his ſon. Ib.

Philip had one body left, which had not yet engaged, at the head whereof he was himſelf. Towards that body the prince of Wales directed his ſteps, after routing the other two; and in this laſt action it was that he acquired the greateſt honour. Philip, inraged to ſee his two bodies routed and diſperſed, performed wonders, to ſnatch the victory from the young heroe before it was compleat. The king of Bohemia, who, though blind, would be in the battle, cauſing his horſe's bridle to be tied to thoſe of two brave knights, was ſlain, according to his wiſh, in fighting for France; his ſtandard, on which were embroidered in gold, three oſtrich-feathers, with theſe words, ICH DIEN, that is, I SERVE, was taken and brought to the prince of Wales, who, in memory of that day, bore three oſtrich-feathers for his creſt [z], with the ſame motto. Mean time Edward, who ſtood with his troops on a riſing ground, watched the proper time to charge, being unwilling however to make too much haſte, for fear of robbing his ſon of part of his glory; but, in this ſtate of inaction, he failed not to ſtrike terror into the French, who ſaw him ready to fall upon them with advantage. Philip, after many fruitleſs attempts to repulſe the Engliſh, rallied ſome of his nobles and men at arms, and threw himſelf into the midſt of the battle, in order to animate his troops by his example. It muſt be confeſſed, that he gave ſignal proofs of an undaunted valour. It was not till after being twice diſmounted, and wounded in his neck and thigh, that he ſuffered himſelf to be led, though with extreme pain, out of the field. His retreat diſcouraging thoſe that ſtill maintained the fight, they were entirely routed with the reſt of the army. Then it was that a dreadful ſlaughter enſued of the flying troops,

The king of Bohemia ſlain, and his banner taken. Froiſ. l. i. c. 132. Villani. Walſing.

Philip ſignalizes himſelf. Knighton. Walſing

The Engliſh gain a compleat victory.

[z] Or rather in his coronet.

who

who were purſued till the night was far advanced. It is affirmed, that in this memorable battle, the Engliſh began, for the firſt time, to uſe cannon, a thing yet unheard of in France. Four pieces, planted on a little hill, did great execution among the French, and ſtruck them with ſuch terror, that the ſucceſs of the day is partly aſcribed to their ſurpriſe at this novelty. France loſt in the battle the king of Bohemia, the earl of Alenſon, brother of the king, the duke of Lorrain, the earl of Flanders, the earl of Blois, fifteen other great lords of the kingdom, twelve hundred knights, and above fourſcore ſtandards.

Cannon firſt uſed by the Engliſh. Mezerai.

When Edward found, by the haſty flight of the enemies, that his victory was certain, he advanced to ſhow his ſon marks of his extreme ſatisfaction. "Dear ſon, (ſaid he, embracing him in his arms) you have acquitted yourſelf nobly this day, and truly deſerve the crown for which you have fought." The young prince, out of countenance at the king's commendations, with a modeſt ſilence, fell on his knees, and aſked his father's bleſſing, according to the cuſtom practiſed in England. The night of this glorious day was ſpent by the Engliſh in rejoicings; but the king publiſhed in the camp, expreſs orders, not to inſult over the misfortunes of the vanquiſhed, exhorting his army to return God thanks for the victory. On the morrow, ſome troops, ſent to purſue the flying enemy, meeting a body of militia (who, without knowing what had happened, were marching to Philip's camp) ſlew ſeven thouſand. It is ſaid, the loſs France ſuſtained on the ſecond day, was greater than that of the battle, as well by the defeat of the militia, as by the ſlaughter, or taking of the ſoldiers, who in flying were diſperſed in the country[a].

Edward praiſes his ſon. Froiſ. l. i. c. 133.

Modeſty of the prince.

Another loſs on the ſide of France. Ibid.

Edward continued ſome days near the field of battle, to bury the dead, and take care of the wounded, as well thoſe of the enemy as his own. Then marching through le Boulonnois, he approached Calais, in order to beſiege it. This place, which was very ſtrong, was no leſs incommodious to the Engliſh, than Dunkirk has been in our days. In becoming maſter of it, he not only freed himſelf from a very troubleſome neighbourhood, but alſo opened a way into France,

Edward beſieges Calais. Froiſſart. l. i. c. 135. Knighton. Walſing. Act. Pub. V. p. 52.

[a] This memorable battle was fought on Saturday, Auguſt 24; (but according to Walſing. and Fa. Daniel, on the 26th) in the fields between Abbeville and Creſſy in Picardy. There were ſlain on the French ſide, eleven princes, fourſcore bannerets, twelve hundred knights, and about thirty thouſand common ſoldiers. Froiſſart. Knighton. How many of the Engliſh were ſlain, is not mentioned in hiſtory.

He inveſted it on the 8th of September, and ſummoned the governor to ſurrender, threatning, in caſe of refuſal, to put the garriſon and inhabitants all to the ſword. John de Vienne, the governor, anſwered, he owned no other king of France but the perſon that gave him the cuſtody of the town, in whoſe ſervice he was reſolved to live and die.

The king having taken a view of the fortifications of Calais, found it would be very difficult to accompliſh the ſiege by force, ſo reſolved to reduce the place by famine. For that purpoſe he drew round the town four lines of circumvallation, with regular fortifications, with a reſolution not to relinquiſh his enterprize till accompliſhed. The governor foreſeeing the length of the ſiege, took care to ſend away all uſeleſs mouths, that he might not be expoſed to the danger of wanting proviſions. Though, according to the maxims of war, Edward was not obliged to pity theſe wretches, who were to the number of ſeventeen hundred, he received them however into the camp, and gave them leave to go where they pleaſed [b].

Froiſſart. Ibid.

Mean time Philip, who was very uneaſy about the ſiege, ſought all poſſible means to raiſe it. He ſaw but two ways for that purpoſe; the firſt, which was to attack the lines of the beſiegers, could not be ſoon enough practiſed, to hope the town would hold out till he was able to relieve it: the ſecond was, to make a diverſion in England by the arms of the Scots. This being deemed the ſpeedieſt, he engaged the king of Scotland to make an inroad into England. He did not queſtion its ſucceſs, becauſe all the Engliſh forces were employed in France. It was to be preſumed, the alarm cauſed by this invaſion would produce ſuch commotions in England, that Edward would be forced to raiſe the ſiege. David, looking upon the intereſt of France as his own, and readily following the ſuggeſtions of Philip, put himſelf at the head of thirty thouſand men [c], and advanced as far as Durham. This unexpected invaſion, at ſuch a juncture, alarmed the Engliſh, but however was not capable of quelling their courage. Young Lionel, left by the king his father guardian of the realm, not being yet of age to command an army, queen Philippa took upon her to repulſe the enemy. To that end, heading the troops, drawn together from all parts with wonderful expedition, ſhe marched directly

The king of Scotland enters England. Buchanan. Knighton. Froiſſart. l. i. c. 139, 140. Walſing. Act. Pub. V. p. 521. 530.

[b] Froiſſart ſays, he gave them a good dinner, and two ſterling a-piece, and then let them go where they would, cap. 135.

[c] About fifty thouſand. Froiſſart. lib. i. cap. 139; but Speed ſays, ſixty-two thouſand men, and Knighton thirty-ſix thouſand

to the Scots, and offered them battle. David was no leſs impatient to engage: he imagined nothing more eaſy than to put to flight undiſciplined troops, commanded by a woman; but the ſucceſs did not anſwer his expectations: he not only had the mortification to loſe the day, but alſo to ſee himſelf a priſoner in the hands of the Engliſh [d].

He is defeated and made priſoner by the queen. Act. Pub. V. p. 551.

Fortune was never weary of favouring Edward: as his arms were victorious in England and France, ſo were they likewiſe in Bretagne. Sir Thomas Dagworth, who commanded the Engliſh troops in that country, twice defeated Charles de Blois, and took him priſoner in the laſt battle, fought near la Roche de Rien.

Charles de Blois defeated and taken. Argentre. Mezerai. Froiſſart. Walſing.

1347.

Mean time the ſiege, or rather blockade of Calais, was ſtill continued both by ſea and land. Edward had ſent for ſeven hundred ſhips to guard the ſea: as therefore nothing could be brought into the town, it was at laſt reduced to extremity. The ſad condition of the beſieged being diſcovered to the king by an intercepted letter, he ſent it immediately to Philip, and withal bid the meſſenger tell him, he had no time to loſe if he intended to relieve the place. Philip, upon this intelligence, ſpeedily took the field, and approached the Engliſh camp with an army of one hundred and fifty thouſand men. He hoped to draw the enemy out of his entrenchments, by offering him battle ſeveral times; but Edward was too wiſe to run any hazard, well knowing the impoſſibility of forcing his lines. Beſides, he had good reaſon to expect, the town would quickly be at his mercy; ſo, without being moved with all theſe defiances, he conſtantly anſwered, his buſineſs there was to take Calais, and, if Philip thought fit to prevent him, he had only to take the moſt proper meaſures. Philip ſeeing he could not without manifeſt

Philip tries in vain to relieve Calais. Act. Pub. V. p. 562, 563. Froiſſart. Mezerai. Knighton. Walſing.

He offers battle, but Edward refuſes.

[d] This battle was fought not far from Nevil's Croſs, near Durham, the 17th of October. There were no leſs than fifteen, or, according to others, twenty thouſand Scots ſlain. The chief perſons of the Engliſh, who ſignalized themſelves in this expedition, were, William la Zouche archbiſhop of York, Gilbert de Umfreyvile, earl of Angus, Henry Percy, Ralph Nevile, William Dayncourt, and Henry Scroop. The Scotch king, though he had two ſpears hanging in his body, his legs almoſt incurably wounded, and his ſword beat out of his hand, diſdaining captivity, provoked the Engliſh by opprobrious language to kill him; an when John Copland governour of Roxburgh caſtle adviſed him to yield, he ſtruck him on the face with his gantlet ſo fiercely, that he knocked out two of his teeth: but however Copland conveyed him away out of the field a priſoner. Upon his refuſing to deliver him up to the queen (who ſtaid at Newcaſtle during the battle) the king ſent for him to Calais, where he excuſed his refuſal ſo handſomely, that the king ſent him back with the reward of five hundred pounds a year in land, where he himſelf ſhould chuſe it, near his own dwelling, and made him a knight banneret. Rymer's Fœd. tom. v. p. 542. Froiſſart. Buchan.

dan-

He makes him propoſals of peace, which are rejected.

danger force his lines, nor draw him into the open field, ſent two cardinals with propoſals of peace. He offered him Guienne, the earldom of Ponthieu, and a marriage between their children. Edward made a jeſt of theſe offers: he replied, Guienne and Ponthieu belonged to him, that he ſhould quickly be maſter of Calais, and ſo had no need of his bounties.

He ſends him a challenge, which is not accepted.

This project not ſucceeding, Philip propoſed to him by a herald, to decide their quarrel by a combat of ſix on each ſide. The herald adding, the king of France would appoint the time and place, the earl of Derby made anſwer, "That muſt be Edward then, ſince he is the true king of "France." This pretenſion alone was ſufficient to deſtroy the propoſal, to which it is certain Edward, in his preſent circumſtances, had no inclination. His ſole aim was to take Calais, without hazarding that event. A few days after, he received a recruit of ſeventeen thouſand men, brought by his queen from England. If we may believe ſome Engliſh hiſtorians, this ſupply came very ſeaſonably, to enable him to have his revenge of Philip. It is affirmed, he offered to fight him in open field, to fill up his trenches himſelf, and demoliſh his works, provided he might have ſufficient ſecurity that nothing ſhould be conveyed into Calais till after the battle. It is added, that Philip refuſing the offer, choſe to retire. Thus much is certain, he did not think proper to attack Edward in his lines. So, the beſieged deſpairing of relief, deſired at length to capitulate. A capitulation, deferred till the laſt extremity, could not be of any great advantage. Accordingly, Edward refuſed the beſieged all manner of terms but that of life, which he was willing to grant both to the ſoldiers and the inhabitants. However, he excepted ſix of the principal burghers for a ſacrifice to his vengeance, leaving the inhabitants to chuſe the victims themſelves. This ſeverity cauſed a great conſternation in the town. It was very difficult to chuſe the ſix perſons, and yet there was no time to loſe. Hiſtory ought not to paſs over in ſilence the generous action of Euſtace de St. Pierre, one of the chief inhabitants. This brave burgher ſeeing fear and deſpair painted on the faces of his countrymen, voluntarily offered himſelf to be one of the ſix. So uncommon a magnanimity affected the reſt to ſuch a degree, that five more were quickly found, who, after his example, devoted themſelves for the preſervation of their townſmen. The ſix illuſtrious burghers, bent to appeaſe the conqueror's rage, by the ſacrifice of their lives, went out bare-footed, in their ſhirts, with halters about their necks, and preſented to him the keys of the town. They found him ſo highly incenſed, that notwithſtanding the inter-

Edward receives a reinforcement Act. Pub. V. p. 562, 564, 572.

Philip retires. Calais ſurrenders. Froiſſart, l. i.

Edward reſolves to ſacrifice ſix of the chief burghers. Ib.

A generous act of a burgher.

Froiſſart, l. i. c. 148.

ceſſion

ceſſion of the prince of Wales, and of the great men about him, he commanded them to be led to execution. But, if he had reſolution enough to refuſe that favour to the preſſing inſtances of his ſon, he could not find in his heart the ſame inſenſibility for the queen. This good princeſs, moved with the misfortune of theſe miſerable men, caſting herſelf at his feet, intreated him, with tears in her eyes, to pardon them for Chriſt's ſake. How reſolved ſoever he might be, he could not behold, at his feet, a queen whom he ſo tenderly loved, without feeling his heart relent, and, in ſpite of the reſolution he had armed himſelf with, was overcome by her intreaties. The queen, not content with ſaving the lives of theſe unfortunate men, ordered cloaths to be brought them; and, after giving them an entertainment in her own tent, diſmiſſed them with a preſent to each, of ſix pieces of gold; an action which did then, and ever will, redound to the honour of that generous princeſs.

The queen obtains the pardon of the ſix burghers.

Thus the important town of Calais, after a year's ſiege, became ſubject to the dominion of the Engliſh.

A few days after Edward had made his entry into Calais, he turned out all the inhabitants, in order to people it with Engliſh. Probably, this precaution was the means of England's keeping that place two hundred years. The ſiege had been ſo long and fatiguing, that Edward thought himſelf obliged to give his troops ſome repoſe, by conſenting to a truce propoſed to him for one year; which done, he left a ſtrong garriſon in Calais [c], and returned in triumph to England.

Edward turns the French out of Calais, and puts in an Engliſh colony. Act. Pub. v. p. 575, 588, &c. 623, 629, &c. Knighton. Walſing. Froiſſart. l. 1. c. 140.

Never had the Engliſh name been more glorious than it was at that time, and never had England enjoyed a more compleat happineſs. If the valour, wiſdom, and good fortune of the king gave an extraordinary luſtre to the realm, the rare qualities of the brave prince of Wales, heir-apparent to the crown, aſſured no leſs hopes for the future. The great plenty which immediately followed Edward's victories, ſeemed alſo to demonſtrate that heaven took a peculiar care of the Engliſh [d].

Flouriſhing condition of England. Walſing.

To add ſtill a freſh luſtre to Edward's glory, ambaſſadors from Germany arrived the next year, with offers of the imperial dignity. The election of Charles IV. who was now crowned at Bonn, not being agreeable to all the electoral prin-

1348. Edward refuſes the imperial dignity.

ces, some [g] were resolved to make a new choice. To that end, they cast their eyes on the king of England, whom the battle of Cressy, and taking of Calais, had rendered very famous. But Edward, who was not ignorant how much the acceptance of this dignity, at a like juncture, had cost Richard, brother of Henry III. was too wise to throw himself into the same difficulties. Besides, he had need of all his forces and application to acquire the crown of France, which to him seemed a more substantial good. On these accounts he refused the honour intended him by the German princes, and declined taking so great a burden upon him [h].

Corruption of manners in England. Knighton. Walsing.

During the prosperity enjoyed by the English, it is no wonder that ease and plenty threw them into the excesses that are the usual attendants thereof. All the historians unanimously affirm, an unbridled debauchery at that time prevailed throughout the kingdom; and the women, laying aside their modesty, the great ornament of their sex, seemed to glory in the loss of their virtue. Nothing was more common than to see them running in troops and tilts, dressed like cavaliers, with swords by their sides, and mounting their steeds adorned with rich trappings, without any regard to their honour or reputation. The men's excesses were no less scandalous. God permitted not these disorders to go long unpunished: a terrible plague, after raging in Asia and part of Europe, spread itself into France, and from thence into England, where it made such desolation, that one half of the nation was swept away [i]. London especially felt the effects of its fury, where, it is observed, in one year, above fifty thousand were buried in a church-yard belonging to the Cistercians [k].

A terrible plague in England. Walsing. Stow's Ann. Knighton.

Though

g Namely, Henry archbishop of Mentz, Rodolph and Rupert, counts palatine of the Rhine, and dukes of Bavaria, Lewis marquis of Brandenburg and Luisatia, and the duke of Saxony. Ibid. p. 622.

h This year a parliament met at London, Jan. 14. Rot. Claus. 22 Ed. III. pr. li. m. 9. Dors. As did another on the 27th of March, which granted the king three fifteenths, to be levied in three years. Ibid. pr. i. m. 32. Dorl. Rymer's Fœd. tom. v. p. 611. Knighton says, he had had before twenty thousand sacks of wool, and also a tenth from the clergy for two years. Knighton, col. 2595.

i This plague first began in the kingdom of Cathay in Asia, in 1326, from whence it spread into other parts of Asia, and passed into Greece, Africa, and afterwards into Europe, and so into France and England; in which last it broke out first in Dorsetshire, about the beginning of August, and spread itself all over the nation, continuing till Michaelmas twelve-month after: it was so great in both years, that there hardly remained the tenth part of people alive in most places. Walsing. And a parliament being summoned to meet on the Monday after January 14, 1349, it was prorogued till a fortnight after Easter, and afterwards respited till a new summons. Stow's Ann. Dr. Brady. Rym. Fœd. tom. v. p. 655, 658.

k The Charter-house. The lord Walter Manny, considering the great danger of burying in the church-yards, during this great plague, purchased a piece

Though this terrible scourge was no less grievous to France, Philip was making great preparations to renew the war, with a resolution to use all possible efforts to recover Calais. The loss of that place lay heavy upon his mind, because of the consequences which he plainly foresaw. However, as he rightly judged it would be very difficult to retake the town by force, he resolved to use a surer way, by bribing the governor. The lords of Montmorency and Charny, to please their master, very readily took upon them the execution of the project, and the ignominy of the action. But what Mezerai says is not very likely, that they thought it no fault to surprise the town during the truce. In all appearance, their ignorance was not so great: however that be, they held private intelligence with Aymeri de Pavia the governor, who promised to deliver up the place for twenty thousand crowns. This sum being sent him, he found means to introduce, by degrees, into the town, a hundred men at arms, and twelve French knights, whom he concealed in the castle [l]. On the day appointed for the performance of his promise, the lords of Charny and Ribaumont lay in ambush near the two gates of the town, in order to rush in as soon as they were opened. So just were their measures, that they thought themselves sure of success; but they did not know all that had passed. A little before, Edward receiving some intelligence of the plot, sent for the governor to London, and promised him a pardon, on condition he would betray the French. The villain, perceiving himself inevitably ruined, if he refused to comply with the king, fully informed him of all the circumstances of the plot, and the day appointed to let the enemies into the town. By this means Edward ordered it so, that he came the evening before to Calais, attended by the prince of Wales and eight hundred men at arms [m]. On the morrow, by break of day, he sallied out at one gate and the prince of Wales at the other, to attack the French, who little expected any such thing. The

Philip corrupts the governor of Calais. Froissart. Mezerai. Walsing.

Edward has notice of it. He comes to Calais, Walsing.

and attacks the French. Froissart. l. i. c. 153.

piece of ground called Spittle-Croft, then belonging to the master and brethren of St. Bartholomew-Spittle, containing thirteen acres and a rod, without the bars of Smithfield, and caused it to be inclosed and consecrated. In this place was buried above fifty thousand persons that died of the plague. In memory whereof, the said lord, in 1371, built a chapel on the same ground, and founded a house for Charter-house, or Carthusian monks. Stow's Ann. p. 246.

[l] Froissart says, that the governour let them in at a postern the very night king Edward came to Calais; and having received the twenty thousand crowns from them, carried them into the great tower of the castle to take possession of it; but king Edward, who was in the same tower, rushed upon them, and took them prisoners.

[m] Three hundred men at arms, and six hundred archers. Vid. l. iv. c. 153.

king, who was pleased to fight on foot, under the banner of the lord Walter de Manny, engaged in single combat with Eustace de Ribaumont, a knight of Picardy, by whose fierce blows he was twice struck down on his knees. The speedy relief he received from his own men freed him from the danger, and even enabled him to defeat Ribaumont's troop, and take him prisoner.

Whilst the king was thus employed, the prince of Wales vigorously charged the lord Charny, who, after a long resistance, was at length defeated, and taken prisoner by the prince. The French lost in the action six hundred men, besides a good number of prisoners, who, with their two leaders, were brought into the town, of which a few hours before they hoped to be masters. Though the way they had used was far from being honourable, Edward, considering it was in obedience to their sovereign, treated them very civilly. That very evening he entertained the principal prisoners with a splendid supper, and was even pleased to come and see them whilst at table. He could not forbear reproaching Charny with the infamous means he had used, to take from him by treachery, and during the truce, a place that cost him so dear, and was fairly won. Then addressing himself to Ribaumont, he greatly commended his valour, and made him a present of a string of pearls of great value (which he wore in his cap) as a testimony of his esteem. He added, that hearing he was a great admirer of the ladies, he desired him to wear it in their company, telling him, they would not look upon him with less favourable eyes. After several other obliging expressions, he gave him his liberty without any ransom. Before he left Calais, he made John de Beauchamp [n] governor, not thinking it prudent to trust any longer the custody of that important place in the hands of a Lombard, who had suffered himself to be bribed. But this was not all the punishment the traitor received for his double treachery: the next year he had the misfortune to fall into the hands of the French, who caused him to be torn in pieces with four horses.

Edward's generosity to Ribaumont. Froissart, [illegible]

The attempt upon Calais failing, contrary to the expectation of the French, Philip disowned the authors. As Edward was not ready to renew the war, he was contented with that slight satisfaction; so the truce still subsisted, notwithstanding the just cause given by Philip to break it.

[n] Rapin, by mistake, calls him Henry. He was younger son of Guy de Beauchamp, earl of Warwick. Dugdale, vol. i. p. 231. His commission bears date at Westminster, Jan. 1. Rymer's Fœd. tom. v. p. 655.

Edward

Edward having nothing more to do at Calais, returned to England, where soon after he instituted the famous order of the Garter *. According to the common opinion, this order owes its origin to an accident, in itself of little importance, but, in regard to its consequences, very remarkable, if it be true, that it gave birth to the institution of this order of knighthood. It is said, Edward being at a ball, where the countess of Salisbury in dancing dropped her garter, stooped to take it up; that the lady imagining he had some other design, and showing her surprize, he said to her, to justify himself, "Honi "soit qui mal y pense: Evil to him that evil thinks." It is added, that in memory of this accident he instituted the order of the Garter, to which he gave for motto the words spoken to the countess; an origin, so little worthy of the splendor wherewith this order has all along shone since its institution, appears at first so very offensive, that several ingenious wits have endeavoured to find out a more honourable. Some affirm, the reason of Edward's instituting the order, was, because on the day of the battle of Cressy, he had given Garter for the word. Others say, it was, because on that day he ordered his garter to be fixed at the end of a lance for a signal of battle. Lastly, there are who advance, that Edward only revived and regulated an order of knighthood, begun by king Richard I. at the siege of Acres in Palestine. They say, king Richard resolving to storm the town, distributed to some of his principal officers certain leather strings, to be tied round the leg, to distinguish them during the assault; and, in memory of that event, Edward instituted the order of the Garter. But all this is said without sufficient proof: besides, whatever endeavours have been used to give the order a different origin from the first above-mentioned, nothing has hitherto been found satisfactory concerning the reason of the motto, HONI SOIT QUI MAL Y PENSE. The motto agrees very well with the first circumstance, but has no connexion with the others. It is no less uncertain why the knights wear the garter on their left, rather than on the right leg, or why the founder chose to put the order under the protection of St. George: but this is certain, that great prince's design was to engage the present and future knights to distinguish themselves by their courage and virtue. This, of all the like orders, has best adhered to the rules of its institution.

Institution of the order of the Garter. Walsing. Ashmole.

Camden.

* Mr. Ashmole fixes the institution of the order on the 23d of April, 1549, p. 18[illegible]. But Dr. Henry justly doubts, whether it was instituted this year, because the plague, at that time, raged terribly at London, and other parts of [illegible]. See Ind. p. 24[illegible], and Stow's Ann. p. 245, 24[illegible].

More ancient than thoſe of the Golden Fleece [p], and Holy Ghoſt [q], it has never degenerated as to the number, which has always been twenty-ſix, including the ſovereign, who is conſtantly the perſon that wears the crown of England. The kings and other ſovereign princes, who have been, and ſtill are, deſirous of being admitted into this moſt noble order, are a clear evidence of its great repute throughout all Europe [r].

Edward fights the Spaniſh Corſairs. Act. Pub. v. p. 679, 683, 691. Walſing. Knighton.

However glorious Edward had hitherto been, he diſdained not to hazard his reputation in an affair which ſeemed below his notice; but the greatneſs of his courage would not ſuffer him to weigh too nicely ſuch ſort of conſiderations. The merchants complaining of certain Spaniſh ſhips infeſting the coaſts of England, and doing them much damage, he promiſed to clear the ſeas of them. To that end, aſſembling ſuch of his ſhips as were ſooneſt ready, he went himſelf and gave chace to the Corſairs: he fought and defeated them [s], took twenty of their ſhips, ſunk many more, and diſperſed the reſt. This action, though in itſelf of little importance, ſeemed to him ſo glorious, that he cauſed a gold coin to be ſtruck, whereon he was repreſented in a ſhip, with his cutlaſs in his hand, in order to perpetuate the memory thereof [t].

[p] An order of knighthood, inſtituted by Philip the Good, duke of Burgundy, at his marriage with Iſabella of Portugal in 1430. The order was at firſt compoſed of four and twenty knights, who were gentlemen of birth, and unblemiſhed reputation. This order is now common to all the princes of the houſe of Auſtria, as being deſcended from Mary of Burgundy, daughter of Charles the Hardy, laſt duke of Burgundy. Chaſtet. Favin. Monſtrelet, vol. ii. fol. 54.

[q] This is an order of knighthood in France, inſtituted by king Henry III. who celebrated its firſt feſtival on the 31ſt of December, 1578. The number of knights was limited to a hundred, without including thoſe of the clergy, viz. four cardinals and four biſhops; together with the great almoner, and the officers of the order, viz. a chancellor, treaſurer, regiſter, and king at arms, and ordered the knights to wear a croſs of Malta, having a dove in the center of it; to which king Henry IV. in 1598, added a collar made of trophies, from whence proceed flames, intermixed with crowned heads.

[r] Camden reckons, in his time, twenty-two kings, beſides the kings of England, and as many foreign dukes and princes. He has likewiſe given us a liſt of the firſt ſix and twenty knights, who are called the founders of the order; namely, Edward III. king of England, Edward his ſon prince of Wales, Henry duke of Lancaſter, Thomas earl of Warwick, Ralph earl of Staffort, William Montacute earl of Salisbury, Roger Mortimer earl of March, Capdall de Buche, John [illegible] Bartholomew Burghwaſh, John Beauchamp, John de Mohun, Hugh Courtney, Thomas Holland, John Grey, Richard Fitz-Simon, Miles Stapleton, Thomas Wallr, Hugh Wriothesley, Niel Loring, John Chandos, James de Audley, Otho Holland, Henry Eme, Zanchet Dabridecourt, William Paynel. The counteſs of Salisbury, who, it ſeems, gave occaſion for the founding this order, was the wonder of her time for ſhape and beauty.

[s] This engagement happened Auguſt 29, near Winchelſea. Twenty-ſix of the Spaniſh ſhips were taken. Walſing.

[t] See the coins at the end of this reign.

Philip

Philip de Valois lived not to ſee the end of the truce made with Edward. He died the 22d of Auguſt, 1350, leaving for ſucceſſor his ſon John, who renewed the truce till Whitſuntide, 1354; but it was ill obſerved on both ſides. In Bretagne, Gaſcogne, Picardy, frequent hoſtilities were committed, which occaſioned mutual complaints, and even reprifals, each party throwing the blame on his enemy. The earl of Derby, honoured with the title of duke of Lancaſter [v], was ſent to Calais with an army, as if it had been open war. He made inroads into the French territories, and ravaged the country from Calais to Terouenne. The greateſt advantage Edward reaped by the non-obſervance of the truce, was the acquiſition of the town of Guiſnes, ſold him by the governor. When king John complained of it, Edward replied, "That his father Philip, by attempting to purchaſe Calais, "had taught the Engliſh commanders, that buying and ſelling was no breach of a truce [w]."

1350. Death of Philip de Valois. John ſucceeds. Mezerai. Walſing. Act. Pub. v. p. 690.

1351. The duke of Lancaſter makes inroads into France. Froiſſart. Mezerai. Act. Pub. v. p. 710. Knighton.

This advantage however did not balance the loſs ſuſtained by Edward in Flanders, by the entire defection of the Flemings. Hitherto they had been his friends, but for ſome time paſt the face of affairs was entirely changed in that country. After the death of the earl of Flanders, ſlain at the battle of Creſſy, the Flemings ſent deputies to Philip de Valois, to demand the ſon of their deceaſed ſovereign, under colour of putting him in poſſeſſion of his father's inheritance. Philip conſenting to their requeſt, when they had the young prince in their power, they contracted him to one of Edward's daughters. This accident would doubtleſs have been very prejudicial to Philip, if the earl himſelf had not prevented it. The young prince, who by education was wholly attached to the intereſts of France, not bearing the thoughts of marrying into the family of his ſovereign's enemy, privately withdrew from his ſubjects, and caſt himſelf again into his arms. From thenceforward the Flemings began by

The Flemings fall off from Edward.

1352.

[v] Son of Henry, brother of Thomas earl of Lancaſter, beheaded in the reign of Edward II. who was ſon of Edmund, youngeſt ſon of King Henry III. This Henry, for his merits, was advanced by the general conſent of the parliament, and the king's royal charter, dated the 6th of March, 25 of Edward, to the title of duke of Lancaſter, being the firſt of that title in England. At the ſame time alſo, the lord Ralph Stafford was created earl of Stafford, with a penſion of one thouſand marks, till the king could provide lands of that value to ſettle on him. Walſing. p. 170.

[w] The ſame parliament met at Weſtminſter, Feb. 16, wherein were enacted the Statutes of Labourers and Proviſors. Rot. parl. 25 Edw. III. Cotton's Abridg. p. 83. Knighton relates that the king took twenty ſhillings from every ecclieſiaſtic, and a fifteenth. And alſo, that there was granted him a fifteenth, and a tenth for three years. Walſing. p. 170.

Walſing. Ayeſbury. 1353. degrees to be diſengaged from the intereſts of England. They even approved of the marriage concluded by Philip, between their earl and the duke of Brabant's daughter, who had entirely forſaken Edward [x]. Their levity was the cauſe that the ſtaple [y] of the Engliſh Wool, ſet up in their country, was removed into England, to their great damage, but to the benefit of the Engliſh [z].

1354. Project of peace between the two crowns. Act. Pub. v. p. 772. The new king of France ſeemed to be extremely deſirous that the truce ſhould be changed into a laſting peace, to which Edward was not averſe. In the negotiations John offered to reſign to the king of England, Guienne, with the earldoms of Artois and Guiſnes, to hold them in full ſovereignty, without homage to the crown of France [a]. But preſently after, to his own, as well as to his kingdom's misfortune, he abruptly broke off the negotiation, which ended only in prolonging the truce till April the next year.

Ibid. 828. It was not difficult to perceive that the king of France ſought only to gain time, to enable himſelf the better to maintain the war. Edward was very ſenſible of it, but had himſelf need of ſome reſpite, in order to ſettle ſome domeſtic affairs of importance. The obſtinacy of the Scots, in ſupport of their king, though a priſoner, fully convinced him, it would not be eaſy to reduce Scotland as long as he was at war with France. This conſideration inclined him to patch up a peace with the Scots, in expectation of a more favourable opportunity to renew the war. But the peace could not be made without their king's releaſe, ſo firmly did they inſiſt upon that article. To ſettle the affair, Edward ap-

[x] A parliament met this year on Jan. 13, at Weſtminſter, which granted the king three tenths, and three fifteenths, to be paid, as the laſt were, within three years. Rot. parl. 25 Edward III. pt. ii. n. 7, 9, 10. In this parliament the lord John Maltravers, who was thought to have a hand in the murder of Edward II. having ſome years ſince come in and ſubmitted to the king's mercy, and lately received his pardon, petitioned the parliament to have it then confirmed; which, in conſideration of his late faithful ſervice to the king in Flanders, was accordingly granted. Ibid. n. 65. See Tyrrel, p. 691. There was this year, beſides this parliament, a council at Weſtminſter.

[y] Staple ſignifies this or that town, whither the merchants of England were, by act of parliament, to carry their wool, cloth, lead, and tin, for the ſelling them by the great. What were the ſtaple commodities of this realm may be ſeen in the Statute of 14 Richard II. cap. 1. as wool, leather, wool-fells, lead, tin, &c. The ſtaple of wool was removed to Weſtminſter, Canterbury, Chicheſter, Briſtol, Lincoln, Hull, and Calais. See Rymer's Fœd. tom. v. p. 618. Walſ. p. 170.

[z] This was done by the authority of the parliament, which met this year on Sept. 29, and continued, for ſome time longer, the ſubſidy of wool, leather, and wool-fells, granted to the king in ſome of the late parliaments. Rot. parl. 27 Edw. III. n. 1—6.

[a] Provided he would quit his claim to the crown of France. Walſing. p. 170.

pointed

pointed commissioners [b] to treat with the Scots, concerning king David's liberty. The negotiation, which was prolonged for some time, ended at length in a treaty, concluded at Newcastle July the 13th, 1354, whereby Edward promised to free David for a ransom of ninety thousand marks of silver. The treaty was ratified a little after by the prince of Wales his son, but was not executed for reasons mentioned hereafter. So David continued a prisoner till 1357 [c].

Treaty about the king of Scotland's liberty. Act. Pub. v. p. 733.

When this treaty was concluded, Edward considering the affairs of Scotland as of little moment, applied himself chiefly to those of France. The truce being about to expire, he invested the prince of Wales with the duchy of Guienne, and sending him thither, commanded him to renew the hostilities [d]. Some affirm, king John had now invested the Dauphin Charles his son with that duchy, and thereby occasioned a rupture: but there is no mention of this circumstance either in the French histories, or in the Collection of the Public Acts. Besides, it is certain the war was not renewed till after the expiration of the truce. Whilst the prince of Wales was preparing to renew the war in Guienne, the king his father landing at Calais [e], ravaged Boulonnois and Artois without opposition. Upon this news the king of France speedily assembled his forces: at the same time he sent Edward a defiance, offering to fight him alone, or at the head of their armies. At least, this is what the French historians affirm; adding, that Edward declined it, and knowing John was approaching to give him battle, retired into England. The English, on the contrary, maintain, the defiance was sent by Edward, and refused by John. The wonder is, that the Collection of the Public Acts makes no mention of this expedition of Edward, though whenever the kings of England went beyond sea, a memorandum of the day, both of their departure and return, is hardly ever omitted. But since the historians of both nations speak of Edward's go-

Edward gives Guienne to the prince of Wales. Walsing. Act. Pub. v. p. 830.

He goes into France and commits some ravages. Walsing. Knighton. Avesbury. Froissart. l. i. c. 159.

[b] Thomas Hatfield, bishop of Durham, and the lords Henry Percy and Ralph de Neville. Rym. Fed. tom. v. p. 733. King David himself went, with king Edward's permission, in 1357, into his kingdom, and afterwards, in 1363, as far as Newcastle, to treat with some of his nobility, about his ransom, but could bring nothing to a conclusion. Rym. Fed. tom. v. p. 722, 727, 737, 738.

[c] April 28. a parliament was held, in which the latter Roger Mortimer, and Richard Fitz-Alan were restored in blood. Rot. parl. 28 Ed. III. n. 1, &c. 12.

[d] He sailed from Plymouth, Sept. 8, attended by the earls of Warwick, Suffolk, Salisbury, and Oxford; with one thousand men at arms, and the like number of archers. Walsing. p. 171.

[e] Nov. 2. attended by his sons Lionel and John, Henry duke of Lancaster; the earls of Northampton, March, and Stafford, &c. and about two thousand men at arms. Walsing. p. 171.

ing

ing to Calais, a bare negative proof is not sufficient to invalidate their testimony: however, if Edward returned so hastily, it is certain, that very important reasons called him home. The Scots having taken Berwick by surprize, it was very dangerous to leave in their hands a place of that importance, which gave them at all times an inlet into England. To retake this town was the occasion of Edward's hastening his return.

The Scots surprise Berwick. Buchanan. Walsing.

Immediately after his arrival he called a parliament [f], complaining of the treachery of the Scots, who, after a treaty concluded and ratified, abused his good faith, by the seducements of the king of France. The parliament knowing the necessity of recovering Berwick, and the king's want of money to continue the war with France, granted him fifty shillings upon every sack of wool [g] sold in the kingdom. It is said, this supply amounted to more than three hundred and fifty thousand marks a year, so considerable was the woollen trade in those days. With this aid the king quickly raised an army, at the head of which he advanced to the borders of Scotland. Upon his approach the Scots quitted Berwick, after demolishing the fortifications, which he revenged by ravaging their country [h]. This unexpected rupture of the Scots surprised him the more, as he had just made a treaty with them for releasing their king, and only stayed for the payment of the ransom agreed upon. This proceeding quite altered the king's mind as to peace, and caused him to take a new resolution, with respect to the affairs of Scotland.

Avesbury. Walsing. Edward retakes Berwick. Hect. Boeth. Walsing. Knighton.

After Baliol's expulsion, he still kept the title of king, but without any real power, and in so servile a dependance on the king of England, that he was looked upon only as a subject. It is true, Edward left him the command of his troops, but they were so very few that he was never able to make any progress: so he spent his days in a melancholy manner, with a pension of five marks a day, allowed him by Edward, and some presents for his extraordinary expences. There are manifest proofs of his great dependance in the Collection of the Public Acts, particularly in the frequent pardons for hunting in Edward's forests. He was therefore but the shadow of a king, made use of hitherto by Edward to compass his ends. It was needless for the king to wear

Condition of Baliol. Act. Publ. v. p. 635, 870, &c.

f [illegible] before his going over, and [illegible] November the 20th, but was [illegible] 25 Edward III. [illegible] p. 77.

g For six years. Walsing. p. 191.

h And wholly ruining Edenburgh, Haddington, &c. Hect. Boet. lib. 15.

the

the mask any longer, all his proceedings plainly shewing he had been labouring more for himself than for Baliol. Laying aside therefore the scruples by which he had till then been restrained, or rather throwing off the cloak under which he had concealed his intentions, he caused that prince to resign all his right to Scotland [i], for the yearly pension of two thousand pounds sterling; a poor recompence for a crown, had it not been an imaginary one, which Baliol was very willing to part with. The resignation proved fatal to king David; he had thereby the mortification to see himself more closely confined, and to lose withal the hopes he had conceived of recovering his liberty.

Ib. p. 832, 833, 835, &c. 838, 852.

Charles de Blois, prisoner in England since the battle of la Roche de Rien, was more fortunate than the king of Scotland, at least with regard to his liberty, though it was purchased at a very dear rate. He articled with Edward to pay seven hundred thousand crowns for his ransom, and left his two sons in hostage for security of payment [k].

Charles de Blois released. p. 746, 862. Knighton.

1356. The prince of Wales ravages Languedoc. Mezerai. Walsing.

Whilst Edward was employed at home, the prince of Wales ravaged the southern provinces of France, and particularly Languedoc. He made into that province a sudden irruption, which rendered him master of Carcassone and Narbonne, where he met with a very great booty, and then returned to Bourdeaux. By his retreat, the measures to oppose his invasion being neglected, he thought he might safely venture upon a second. As soon as his troops were a little refreshed, he marched again at the head of twelve thousand men, of whom not above three thousand were natives of England. He traversed le Perigord and le Lemousin, entered Berry, and appeared before the gates of Bourges: but the news of the king of France's approach with sixty thousand men, prevented his besieging that place, and even obliged him to take a compass, in order to retire to Bourdeaux; but John, foreseeing his design, marched with such expedition, that he overtook him near Poictiers. It being impossible for the prince to retreat, he resolved to intrench himself at Maupertuis, in a post incumbered with vines and hedges, and of a very difficult access. Two legates, sent by the pope to the two princes to persuade them to peace, used their utmost endeavours to prevent an engagement. They even induced the prince of Wales to promise to repair all the da-

The king follows him with a great army. Frois. l. i. c. 181.

[i] This he [illegible] at Roxburgh. Rym. Fœd. tom. v. p. 8[illegible]. Wall. p. 171. Knighton, [illegible].

[k] [illegible] half punctually at the day agreed on. The act for this purpose is dated at Westminster, the 16th of August, 1356. Rym. Fœd. tom. v. p. 862.

mages

mages done in his incurfion, and engage not to bear arms againft France for feven years. John's fuperiority caufing him to reject thefe offers, he expected the prince with his whole army would furrender at difcretion [1]. This condition not being relifhed by the prince, he generoufly replied, he had rather die fword in hand, than be guilty of a thing contrary to his honour, and the glory of the Englifh name.

Offers of the prince are rejected.

Battle of Poictiers. Froiffart. l. i. c. 164. Walfing.

All hopes of agreement vanifhing, the prince of Wales made a fhort fpeech to his troops, telling them, "That "victory depended not on numbers, but on bravery: that "for his own part he was refolved to conquer or die, and "would not expofe his country to the difgrace of paying his "ranfom." All king John's generals unanimoufly advifed him to ftarve this little army, cooped up in the middle of an enemy's country, where they would quickly be in want of all things. This advice appeared to him too wary, and inconfiftent with his impatience. He fancied they would rob him of the tranfcendent glory he hoped to acquire by the defeat of fo renowned a prince, to feed him with the imaginary honour of conquering without fighting. So, full of the pleafing expectation of obtaining an eafy victory, and revenging his fubjects, he refolved, without delay, to attack the enemies. He committed at firft a very great error, in caufing his horfe to difmount and begin the fight: the horfe, unaccuftomed to charge on foot, were not able to break through the Englifh, who had the advantage of the ground, in a country full of hedges, through which there was a neceffity to pafs, in order to force their entrenchments. The difmounted cavalry being repulfed with great lofs, the infantry fupplied their place, and met the fame refiftance, notwithftanding the king's efforts, who maintained the fight four hours, encouraging his troops by his voice and example, without fearing to expofe his perfon to the greateft dangers. What efforts foever he made, it was not poffible for him to rout this handful of Englifh, whom the neceffity of conquering, caufed to fight defperately, being moreover animated by the example of the prince, who performed that day acts of wifdom and valour, comparable to thofe of the moft renowned generals. Of four fons the king of France had with him, the three eldeft retiring betimes, with eight hundred lances, their retreat did not a little con-

[1] He infifted at firft, upon having four of the principal Englifh [illegible] at his mercy, and that the prince and all the reft of the army fhould yield themfelves prifoners. Froiffart, lib. i. cap. 163.

tribute

tribute to diſcourage the reſt of the army. Mean time king John, urged by deſpair, ſignalized himſelf in all the moſt dangerous places, and drew upon him the braveſt of his enemies. Though he ſaw himſelf forſaken, he inſpired the boldeſt with terror: but, in all appearance, he would at length have ſunk under the number of the enemies that ſurrounded him, and left him no hopes of ſaving his life, if Denis de Morbeck, a knight of Artois, diſperſing thoſe who preſſed him the moſt vigorouſly, had not earneſtly perſuaded him to yield himſelf priſoner. He would have been very glad to deliver his ſword to the prince of Wales, but as the prince was too remote, he was forced to ſurrender himſelf to Morbeck, with Philip his fourth ſon, about thirteen years old, who had all along fought by his ſide. In this unfortunate day, ſo fatal to France, there were not above ſix thouſand men ſlain, but among that number were eight hundred nobles, the duke of Bourbon a prince of the blood, the duke of Athenes conſtable of France, the marſhal de Neſle, and above fifty other great lords of the kingdom.

John is taken priſoner. Act. Pub. v. p. 869. vi. p. 72, 254. Froiſſart. Walſing. Knighton.

If the victorious prince diſtinguiſhed himſelf by his conduct and bravery in that glorious day, he was no leſs admired after his victory, for his modeſt and generous behaviour to his priſoner. The evening after the battle, the king ſupping in the prince of Wales's tent, preſſed him to ſit at table with him; but he very civilly declining it, ſtood and talked with him all the while. As the king, whoſe thoughts were ſtill employed with his unfortunate condition, was complaining of his fate, the prince ſaid to him, in a free, though modeſt and unaffected manner, "That he had one great reaſon to be "comforted, that the battle was not loſt by his fault: that "the Engliſh had found to their coſt, he was the braveſt of "princes; but that God alone had diſpoſed of the victory. "And, (continued he) if your ill fortune has thrown you "into your preſent diſgrace, you may at leaſt reſt aſſured, "that an inviolable regard ſhall be preſerved for your perſon; "and you ſhall find in me a very reſpectful relation, if I may be "allowed to glory in that title." So great a modeſty in a young victorious prince, little more than five and twenty years of age, melted the king into tears, and filled the hearers with admiration. As ſoon as John had recovered himſelf, he turned to the prince, and ſaid to him with an air of ſatisfaction, "That ſince it was his deſtiny to be vanquiſhed and ta"ken, it was a great comfort in his misfortune, that he had not "behaved himſelf unworthily, and was fallen into the hands "of ſo valiant and generous a prince." On the morrow, for-

Moderation and modeſty of the prince of Wales. Froiſſart. Walſing.

P. Æmyl.

ſeron

lemn thanks were returned to God in the Engliſh camp for this great victory. The prince thanked his victorious troops, with ſuch expreſſions as aſcribed to them the honour of the day, without the leaſt mention of himſelf. Then he marched for Bourdeaux, laden with an ineſtimable booty, and for great number of priſoners, that it would have been difficult for the Engliſh to defend themſelves, in caſe they had been attacked [m].

1357. Froiſſart. Pol. Virg.

It is eaſy to conceive the joy this news ſpread over all England, and how great Edward's ſatisfaction was in particular. God's protection of the prince of Wales being too viſible to be forgot, the king ordered public thankſgivings for this ſignal victory to be returned to him eight days together in all the churches of the kingdom. The prince of Wales ſpent the winter at Bourdeaux, where two legates from the pope came and preſſed him ſo earneſtly, that he conſented, with the approbation of the king his father, to a truce for two years, wherein all the allies of both crowns were included. In April following [n] he came into England, bringing his priſoner with him. He was received there with exceſſive joy, but conſtantly refuſed all the honours that were offered him, being ſatisfied with thoſe paid to the captive king. When they made their entry into London, the prince of Wales rode on a little black nag by the king of France's ſide, who was mounted on a ſtately white courſer, adorned with coſtly trappings. One would have thought that all the pomp [o] diſplayed on this occaſion, was intended purely to do honour to the captive king, ſo great care was taken to avoid all ſigns of his diſgrace, and every thing that might be offenſive to his eyes. Though Edward diſputed with him the title of king of

Truce for two years. Act. Pub. VI. p. 3.

King John conducted to London. Ibid.

He is received in an honourable manner. Froiſſart. Knighton.

[m] This battle was fought on the 19th of September, 1356. See Rymer's Fœd p. 870. There was above ſix Frenchmen to one Engliſhman. Walſing. ſays, prince Edward had only one thouſand nine hundred men at arms, and the ſame number of archers. p. 172. But J. Barnes ſays, his army conſiſted of about eight thouſand men. p. 524. The priſoners are ſaid to be more in number than the Engliſh army. And among them were, beſides the king and his ſon, ſeventeen earls, and of barons, knights, and eſquires, to the number of one thouſand five hundred. P. Æmyl. Wolf. On the ſixteenth of May was held a provincial ſynod at St. Paul's, wherein the biſhops granted the king a tenth for two years, and the inferior clergy for one year. R. Aveſb. c. 108.

[n] According to Walſing. the prince landed at Plymouth, May 5, and made his entry into London the 24th of the ſame month. p. 172.

[o] He was received by Henry Picard, the lord mayor (the ſame that afterwards ſo magnificently entertained at one time the four kings of England, France, Scotland, and Cyprus) with the aldermen, &c. in all their formalities, with the city pageants; and in the ſtreets, as he paſſed to Weſtminſter, the citizens hung out all their plate, jewelry, and armour, ſo that the like had never been ſeen before in the memory of man. Barnes, p. 526.

France,

France, he treated him however like a king. The sight of the captive prince putting him in mind of the instability of human grandeur, he received him with as cordial embraces, as if he had been his own brother, or one come on purpose to pay him a visit. In this noble and generous manner, the father and son strove with emulation to comfort the unfortunate king, by all the marks of respect due to a great prince, in whatever state fortune may have placed him. It is reported, when Edward received the news of the victory of Poictiers, he said to those about him, that his satisfaction at so glorious a success was not comparable to the pleasure caused by the generous behaviour of the prince. King John and prince Philip his son were lodged together in the palace of the Savoy [p], with all the honourable freedom they could desire. The other captive lords met with the same treatment and civilities.

Edward enjoyed then a so much greater glory, as it was very uncommon, I mean of his having prisoners his two most potent enemies; the king of France at London, and the king of Scotland at Odiam in Hampshire. King David should have had his liberty long since, pursuant to the articles agreed upon three years before; but for the reasons above-mentioned, saw himself still detained in captivity. However, when he had the least cause to expect any favour from a victorious enemy, who had just reduced Scotland to an irretrievable state, Edward was moved by the pressing instances of the queen his sister, and agreed to renew the treaty of 1354. To that end he granted safe-conducts to ambassadors from Scotland, who, during a short truce, obtained their king's liberty, upon much the same terms as in their first treaty. They engaged to pay for his ransom a hundred thousand marks sterling; namely, ten thousand every year till the whole was paid; and for security, the king of Scotland gave twenty hostages. At the same time a ten years truce was concluded between England and Scotland. David was released upon these conditions, which he took care to ratify as soon as he came into his kingdom, after an eleven years captivity. It seems that Edward, then wholly taken up with his vast projects against France, had lost all thoughts of becoming master of Scotland. At least he believed it best to defer the execution of that design, till a more convenient season.

The king of Scotland set at liberty.
Act. Pub. VI. p. 39, 68.
Buchanan.
Walsing.

p So called from [illegible] of Savoy, [illegible]

Edward's

1358. Magnificent tournament at Windsor. Froissart. Walsing. Knighton.

Edward's late truces with France and Scotland having freed him from the trouble of foreign affairs, he confined his thoughts to the government of his kingdom. But as nothing extraordinary passed, he spent part of his time in diversions, of which the king of France and the other chief prisoners always partook. The tournament he held at Windsor on the 23d of April, 1358, to solemnize the feast of St. George, patron of the order of the garter, was the most sumptuous and magnificent that had ever been seen in England. The duke of Brabant, with several other foreign princes, and an infinite number of knights of all nations were present, and splendidly entertained.

Queen Isabella dies. Act. Pub. VI. p. 110. Walsing. Knighton.

This diversion was followed by the funeral of queen Isabella, the king's mother. She died at the castle of Risings, aged sixty-three years, after twenty-eight years confinement [q]. If the marriage of this queen was fatal to the king her husband, it was no less so to France, since it proved the occasion of a long and bloody war, which brought that kingdom to the brink of destruction.

Earl of Harcourt makes Edward his heir. Froissart. l. 1. c. 174. Act. Pub. V. p. 856.

Geoffrey d' Harcourt, of whom I have spoken on occasion of the king's descent at la Hogue, and who served the king of Navarre in Normandy, was there slain about this time [r]. As he had by will made the king of England his sole heir, and as his lands were in the demesns of the king of Navarre in Normandy, Edward took possession, and gave them to the lord Holland.

Great troubles in France. Froissart. l. 1. c. 179.

Whilst England enjoyed a profound tranquillity, France was in extreme desolation by the intestine troubles caused by the king's imprisonment. Charles, the dauphin, John's eldest son, held the reins of the government, by the title of lieutenant-general, afterwards changed into that of regent. His regency was so disturbed by the cabals of some restless men, who found their advantage in the confusion of affairs, that it was not possible to think effectually of freeing their king. The affairs of France were then in a deplorable situation. Charles the Bald, king of Navarre, though sprung from the royal family of France [s], raised daily commotions and tumults in Paris,

Walsing.

q She died in Norrmb. and was buried in the chair of the Grey Friars, now called Christ Church in London. A little after died also her daughter Joan, queen of Scots, and was buried in the same church with the queen her mother.

r He forsook, some years before, king Edward, and joined the king of France; as appears by an order from king Edward to the bailiffs of Weymouth, dated March 5, 1347. for seizing his jewels, armour, goods, chattels, &c. See Rymer's Fœd. tom. v. p. 162.

s From the branch of Evreux, or rather of Eu.

where

where he had a powerful party [t]. The authority of the dauphin was thereby so restrained, that though a prince of great abilities, he knew not which way to govern so divided a state. Amidst this confusion, the French lived in a kind of anarchy. The nobles and officers of the army oppressed the meaner sort of people, especially the peasants, to whom they gave the nick-name of Jaques bon homme [u]. Raillery, joined with oppression, driving these poor wretches to despair, they assembled in great troops in le Beauvoisin, bent upon extirpating all the nobles. In a short time, their number being considerably increased, they became so formidable, that there was a necessity of drawing together all the forces of the kingdom to disperse this army of rustics, which daily grew stronger. This war, which was called the Jaquery, created the regent great trouble. It was one of the principal causes, that prevented his taking measures to oppose the invasion threatened by the English as soon as the truce should be expired.

Froissart. l. 1. c. 184, 186.

The Jaquery-war.

During all these disorders, king John, heartily tired of his confinement in England, however easy it was, treated himself with Edward concerning his liberty. He could not obtain it without yielding to the conqueror's terms. But, as he was fully informed of the disturbances in France, he believed he could not purchase too dearly a freedom, which might enable him to restore peace in his kingdom. Wherefore he agreed with Edward upon a treaty very disadvantageous to France, whereby he resigned several provinces to the crown of England. The general assembly of the states being met upon that occasion in 1359, found the conditions so hard, that they would not ratify the treaty. By this refusal, the captive king saw all his hopes vanish. Mean while the states plainly perceiving they had given occasion for the renewing the war, offered the regent all necessary assistance to procure better terms by arms: But they promised more than they performed. Edward loudly complained of being deceived, and suddenly altering his carriage to king John, confined him in the castle of Sommerton, from whence he afterwards removed him to the Tower of London. Doubtless he did not think it prudent to leave that prince at London upon his parole, whilst he himself should be in the heart of France, where he resolved to carry the war.

1359. Treaty between the two kings rejected by the states of France. Knighton. Walsing. Froissart. l. 1. c. 203. Act. Pub. tom. vi. p. 123, &c.

Edward resolves to carry the war into France. Id. p. 110. 134. Walsing.

[t] And his brother Philip, with the lord James de la Pype, and Robert Knolles, cruelly wasted Normandy and Bretagne about this time. Walsing.

[u] Or James Goodman.

He goes over to Calais with a great army. Froiſſart. l. 1. c. 207. Walſing.

The preparations for this freſh expedition were prodigious. An army of an hundred thouſand men, tranſported to Calais, [w] was a plain indication of his deſign to make a powerful effort to ſubdue France, whilſt the troubles of that kingdom offered him ſo fair an opportunity. When his forces were landed at Calais, he divided them into three bodies. The firſt was commanded by the duke of Lancaſter, who had lately given his only daughter in marriage to John of Gaunt, the king's fourth ſon [x]. The prince of Wales headed the ſecond, and the king himſelf commanded the laſt. With theſe numerous troops, conducted by the three moſt famous generals then in Europe, Edward marched into France without oppoſition. The dauphin not being ſtrong enough to appear in the field, was contented with providing his principal towns with ammunition, without hazarding a battle with forces ſo unequal to thoſe of the enemy.

He ravages France to the very gates of Paris. Froiſſart. l. 1. c. 209. &c. Walſing.

Act. Pub. tom. vi. p. 36.

Mean time, Edward traverſing Artois, entered Champagne, and approached Rheims, in order to ſurprize the city, where ſome groundleſly affirm, he deſigned to be crowned. But miſſing his aim, he fell upon Sens, which he eaſily took. The duke of Burgundy perceiving himſelf unable to ſave his country from plunder, obtained a ſeparate truce for three years, upon promiſe of paying two hundred thouſand florins [y], and ſupplying the Engliſh army with proviſions. Le Nivernois followed the example of Burgundy; but La Brie and Le Gatinois were ravaged [z]. Edward's aim being to draw the French to a battle, he neglected nothing to prevoke them. For that purpoſe, he went about the end of Lent and encamped within ſeven leagues of Paris, between Chartres and Mont le Herry. His approach not being ca-

1360.

[w] Walſing. relates he had then no leſs than one thouſand one hundred ſhips, p. 174.

[x] Then earl of Richmond; Rapin by miſtake ſays the king's third ſon. Henry Plantagenet, duke of Lancaſter, had two daughters, Maud and Blanch. Maud, after ſhe had been married firſt to Ralph, ſon and heir to the lord Stafford, and after his death, to William, duke of Zealand, died without iſſue in 1362; by which means the whole eſtate fell to her ſiſter Blanch, who was married to the earl of Richmond, on April 14, at Reading, in 1360, who upon the death of his father-in-law, was made duke of Lancaſter. Dug. Baron. vol. 1. Walſ. p. 173.

[y] It is in the treaty itſelf two hundred moutons, or deniers of gold. Rymer's Fœd. tom. vi. p. 161. which was equal to about thirty-five thouſand pounds ſterling, according to Mr. Tyrrel's computation. p. 625.

[z] While king Edward was thus employed beyond ſea, ſome Normans landed at Winchelſea, on March 15, 1360, and plundered that town. But the Londoners and ſome other towns ſent out the next year, a fleet of eighty ſhips, having on board fourteen thouſand men, and therewith ſcoured the ſeas. At laſt, landing in France, they made themſelves maſters of the iſle of Sans. Rymer's Fœd. tom. p. 167.

pable

pable to draw the dauphin out of Paris, he advanced to the very gates of the city, without ſucceeding in his deſign. Though the ſmoak of the villages, ſet on fire by the Engliſh might be ſeen from the walls, the dauphin, to whom was afterwards given the ſirname of The Wiſe, was too prudent to run any hazard. Taught by the fatal examples of the kings his father and grandfather, he took care not to venture the crown upon the deciſion of a battle, where he could have little hopes of ſucceſs. As he knew Paris was able to maintain a long ſiege, he kept himſelf ſhut up in the city, and all Edward's inſults could not make him alter his reſolution. He tried, however, to deliver France from the impending danger, by offering certain propoſals to his enemy, but which were ſcornfully rejected. Edward thought he was in condition to give law, and preſcribe what terms he pleaſed. He ſeemed at firſt to have formed the deſign of beſieging Paris, but afterwards finding it too difficult an undertaking, turned back towards la Beauce. Cardinal de Langres the pope's legate, attended him every where, and continually preſſed him to give bounds to his ambition, but theſe remonſtrances were then ineffectual. Edward ſtayed ſome time in la Beauce, from whence he deſigned to lead his troops to the Loire. Mean while, though his army ſtill marched through very plentiful countries, it was daily diminiſhed by ſickneſs. It was doubtleſs a great mortification to that monarch to ſee the little progreſs he had made with ſo numerous an army. Though he was in the heart of France, he could not flatter himſelf with having made any certain conqueſt. This perhaps was one reaſon of his hearkening at laſt to the legate's ſollicitations, though his change is aſcribed to another cauſe. One day, as he lay encamped in the country about Chartres, a ſudden and dreadful ſtorm aroſe, accompanied with thunder and hail of a prodigious ſize, which killed ſix thouſand horſes and a thouſand men[a]. So extraordinary an accident was deemed by the troops as a ſign of God's wrath. The king himſelf ſeemed to be poſſeſſed with the ſame opinion. Perhaps he was glad this event furniſhed him with an opportunity to ſhew his willingneſs to grant a peace to France, from a pure motive of generoſity; and thereby hide the ſhame of not being able, with ſo fine an army, to do any thing more than deſtroy the open country.

The dauphin's propoſals rejected. Froiſſart. l. 1. Walſing.

Reaſons which induced Edward to a peace. Ibid.

An extraordinary accident induces him to it. Froiſſart. l. 1. c. 213.

[a] The lord Morley was killed outright, and the lord Gay de Beauchamp, eldeſt ſon of the earl of Warwick, being mortally wounded by one of the hail-ſtones, died thereof on the 28th day of April following. Tyrrel, p. 625.

Be this as it will, in the midſt of the ſtorm, he turned his face towards the church of Chartres, which he ſaw at a diſtance, and falling on his knees, made a vow to conſent to a peace upon equitable terms. The legate improving this diſpoſition, earneſtly preſſed him to execute his generous deſign, and prevailed with him to ſend plenipotentiaries to Bretigny, a village near Chartres, to treat of a peace. Here it
May 1. was the dauphin and his chief counſellors appeared for France; and for England, the prince of Wales, with ſuch aſſiſtants as the king his father appointed. In a few days, a treaty was concluded which gave ſome intermiſſion to the calamities of France. This peace, which annulled all former treaties, and ſerved for foundation to new rights, makes a very conſiderable epocha in the Engliſh hiſtory, with regard to the differences between the two crowns. So there is no underſtanding the recital of the events which enſued, without a perfect knowledge of the articles of the treaty, which therefore it is abſolutely neceſſary to inſert [b].

TREATY of BRETIGNY.

Edward, eldeſt ſon to the king of France and England, prince of Wales, duke of Cornwal, and earl of Cheſter; To all thoſe who ſhall ſee theſe letters, greeting: We make you know, that after all the debates and diſorders whatſoever, moved or ſtirred between our lord and father, king of France and England, on the one part; and our couſins the king, his eldeſt ſon, regent of the realm of France, and all thoſe it may concern on the other part; for the good of peace, it is agreed, the 8th day of May, 1360, at Bretigny near Chartres, in the manner following:

I. THAT the king of England, with what he holds in Gaſcoigne and Guienne, ſhall have, for him and his heirs for ever, all thoſe things which follow, to hold them in the

[b] Rapin has ſomewhat abridged moſt of the articles of this treaty, but the tranſlator believing it to be more ſatisfactory to have them at large, has inſerted Dr. Brady's faithful tranſlation from the French, with notes, where they were afterwards altered and corrected by the two kings at Calais. This famous treaty was managed by the prince of Wales, and Charles regent of France, in the names of both kings. Commiſſioners for the Engliſh were, ſir Reignald de Cobham, ſir Partholomew Burgherſh, ſir Francis Hale, banerets; ſir Miles Stapleton, ſir Richard la Vache, and ſir Neel Loring, knights with others of the king's council: On the French party were, the elector of Beauvais, the chancellor Charles lord Montmerency, monſieur John de Meingre marſhal of France, monſieur Aynart de la Tour lord of Vivoy, monſieur Ralph de Ravenal, monſieur Simon de Bucy, knights; monſieur Stephen de Paris, and Peter de la Charité, with many others of his council, named by king John himſelf. The original from whence this tranſlation was made by Dr. Brady, is printed in Rymer's Fœd. tom. vi. p. 238, 278, &c.

ſame

ſame manner the kings of France, or his ſon, or any of his anceſtors, kings of France, held them: That is to ſay, thoſe in ſovereignty in ſovereignty, and thoſe in demeſn in demeſn, according to the time and manner hereafter declared. The city, caſtle and earldom of Poictiers, with the whole land and country of Poictou; together with the fief of Thouars, and land of Belleville; the city and caſtle of Xaintes, and the whole land of Xaintonge, on this ſide, and beyond the river of Charente; the city and caſtle of Agen, and the land and country of Agenois; the city and caſtle and whole earldom of Perigort, and the land and country of Perigeux; the city, caſtle, and whole earldom of Limoges, the land and country of Limoſin; the city and caſtle of Gahors, and the land and country of Gahorſin; the city and caſtle and country of Tarbe, and the land, country and earldom of Bigorre; the earldom, land, and country of Gaure; the city and caſtle of Angoleſm, and the earldom, land, and country of Angoleſmois; the city and caſtle of Rhodes; the land and country of Rovergne. And if there be any lords, as the earl of Foix, the earl of Armagnac, the earl of Liſle, and the earl of Perigort, and viſcount of Limoges, or others, which hold any lands within the bounds of theſe places, they ſhall do homage to the king of England, and all other ſervices and devoirs due by reaſon of their lands, in the ſame manner they did in times paſt [c].

II. Alſo the king of England ſhall have all that any of the kings of England anciently held in the town of Monſtrel upon the ſea, with their appurtenances.

III. Alſo the king of England ſhall have all the country or earldom of Ponthieu entirely; ſave and except, that if any thing of the ſaid country or appurtenances have been alienate l by the kings of England for the time being, and to other perſons than the kings of France, the king of France ſhall not be obliged to render them to the king of England: And if the ſaid alienations have been made to the kings of France for the time being, without mean, and he doth poſſeſs them at preſent, they are entirely to be releaſed to the king of England; except the kings of France had them by exchange for other lands of the kings of England, then both were to releaſe. But if the kings of England for the time being, had alienated any thing to other perſons than to the king of France, and afterwards they came into his hands, he ſhall not be obliged to render them. Alſo if the things aboveſaid

[c] The firſt aticle was corrected; and "reignty in ſovereignty," were inſtead of the words, "thoſe in ſove- ſerted, "thoſe in fee in fee."

owe homage, the king of France ſhall convey them to others, who ſhall do it for the king of England: And if they do not owe homage, the king of France ſhall appoint a truſtee or tenant to perform the devoir, within one year after he ſhall depart from Calais.

IV. Alſo the king of England ſhall have the caſtle and town of Calais; the caſtle, town, and ſeigneurie of Merk; the towns, caſtles, and lordſhips of Sangate, Colongue, Hames, Wale and Oye, with lands, woods, marſhes, rivers, rents, lordſhips, or ſeigneuries, advowſons of churches, and all other appurtenances lying between the meeſes and bounds following; that is to ſay, from Calais by the courſe of the river that goes by the Grayeling, and alſo by the courſe of the ſame river round about Langale, and by the river which goes beyond the Poil, and by the ſame river that falls into the great lake of Guiſnes, and ſo to Fretun, and from thence by the valley about the hill Calculy, encloſing that hill, and ſo to the ſea, with Sangate, and all the appurtenances.

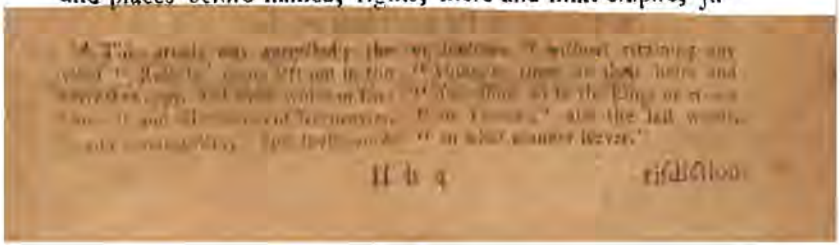
V. Alſo the king of England ſhall have the caſtle, town, and country, or earldom of Guiſnes, with all the lands, towns, caſtles, fortreſſes, places, men, homages, lordſhips, woods, foreſts, and the rights of them, as entirely as the earl of Guiſnes, lately dead, had them at the time of his death; and the churches and good people being within the limits of the county of Guiſnes, of Calais, and Merk, and other places aboveſaid, ſhall obey the king of England, as they obeyed the king of France, or earl of Guiſnes for the time being; all which things of Merk and Calais, contained in this and the precedent article, the king of England ſhall hold in demeſn, except the heritages of the churches, which ſhall remain to them entirely wherever they be; and alſo except the heritages of other people, of the country of Merk and and Calais, lying out of the town of Calais, to the value of a hundred livres of yearly rent, or under, of current money of the country, which ſhall remain to them. But the heritages and habitations being in the town of Calais, with their appurtenances, ſhall be to the king of England in demain, to diſpoſe of them at his pleaſure; and alſo the inhabitants, in the county, town, and lands of Guiſnes, ſhall enjoy all their demeſns entirely, and ſhall wholly be returned to them, ſaving what hath been ſaid concerning the borders, meets, and bounds in the precedent article.

VI. Alſo it is agreed, the king of England and his heirs ſhall have and hold all the iſles adjacent to the lands, countries,

tries, and places before-named; together with all other iſles which he holds at preſent.

VII. Alſo it is agreed, the king of France, and his eldeſt ſon, the regent, for them, their heirs and ſucceſſors, as ſoon as they can without deceit, and at furtheſt by the feaſt of St. Michael, in one year after the ſame feaſt next coming, ſhall render, transfer, and deliver to the king of England, his heirs and ſucceſſors, all honours, obediences, homages, liegeances, vaſſals, fees, ſervices, recogniſances, rights, mere and mixt empire, and all manner of juriſdiction, high and low, reſorts, ſafeguard, collations and patronages of churches, and all manner of ſeigneuries and ſovereignties, and all the right they have, or can have, appertains, or can appertain to them, by what cauſe, title, or colour of right ſoever, or to the kings and crown of France, by reaſon of the cities, counties, towns, caſtles, lands, countries, iſles, and places before-named, and all their appurtenances and dependances, and every one of them, wherever they are, without retaining any thing to them, or their heirs and ſucceſſors, or to the kings or crown of France. And alſo that the king and his eldeſt ſon, ſhould ſend their letters patents to all the archbiſhops, biſhops, and all other prelates of holy church; and to the earls, viſcounts, barons, noblemen, citizens, and others of the cities, lands, countries, iſles and places before-named, that they ſhould obey the king of England, and his heirs, and their certain command, in the ſame manner they had obeyed the kings and crown of France; and by the ſame letters they ſhould quit and abſolve them after the beſt manner they could, from all faiths, homages, oaths, obligations, ſubjections and promiſes, made by any of them, to the kings and crown of France, in what manner ſoever [d].

VIII. Alſo, it is agreed, That the king of England ſhall have the cities, counties, caſtles, lands, countries, iſles, and places before-named, with all their appurtenances and dependences, wherever they are; to hold to him, his heirs and ſucceſſors, heritably and perpetually in demeſn, as the kings of France held them, and in the ſame manner, ſaving what hath been ſaid above, in the article of Calais and Merk; and alſo the cities, caſtles, counties, lands, countries, iſles, and places before named, rights, mere and mixt empire, ju-



riſdiction and profits whatever, which any kings of England held there, with their appurtenances and dependences; any alienations, donations, obligations, or incumbrances, had, or done by any of the kings of France, in ſeventy years from that time, by whatſoever cauſe or form it was; all ſuch alienations, donations, obligations or incumbrances, are now, and ſhall be wholly annulled, repealed, and made void: and all things ſo given, alienated, or incumbred, ſhall be really rendred and delivered to the king of England entirely, and in the ſame condition they were ſeventy years ſince, or to his ſpecial deputies, as ſoon as they may without fraud; and at furtheſt, before Michaelmas next come twelve-months, to hold them heritably and perpetually, and to his heirs and ſucceſſors; except what is ſaid in the article of Ponthieu, which is to remain in its force; and ſaving all things given and alienated to churches, which ſhall peaceably remain to them in all countries before and after-named, ſo as the parſons of the churches pray diligently for the kings as for their founders, wherewith their conſciences ſhall be charged.

IX. Alſo, it is agreed, The king of England ſhall have and hold all the cities, counties, caſtles, and countries above-named, which antiently the kings of England had not, in the ſame eſtate as the king of France, and his ſons hold them at preſent.

X. Alſo, it is agreed, That if within the limits of the countries the kings of England antiently poſſeſſed, they ſhould now have any thing that was not then theirs, of which the king of France was in poſſeſſion, on the 19th of September, 1356, they ſhall be and remain to the king of England, and his heirs, as aboveſaid.

XI. Alſo, it is agreed, That the king of France, and his eldeſt ſon the regent, for them and their heirs, and for the kings of France and their ſucceſſors for ever, as ſoon as they can without deceit, and at furtheſt before Michaelmas 1361, ſhall render and deliver to the king of England, his heirs and ſucceſſors, and transfer to them all the honours, liegeances, obediences, homages, vaſſals, fees, ſervices, recognizances, oaths, right, mere and mixt empire, all manner of juriſdictions, high and low, reſorts, ſafeguards, and ſeigneuries, which can, or may belong in any manner to the kings or crown of France, or to any other perſon, by reaſon of the king or crown of France, at any time, in the cities, counties, caſtles, lands, countries, iſles, and places above-named, or in any of them, their appurtenances and appendances whatſoever, or in perſons, vaſſals, ſubjects, or whoſoever of them,

them, be they princes, dukes, earls, viſcounts, archbiſhops, biſhops, and other prelates of the church, barons, noblemen, and others whoſoever, without reſerving or retaining any thing to them, their heirs, and ſucceſſors, or to the crown of France or others, whatever it be, whereby they, their heirs, and ſucceſſors, or any kings of France, or other perſon, under pretence of the king and crown of France, may challenge, and demand any thing in time to come, from the king of England, his heirs and ſucceſſors, or upon any of the vaſſals and ſubjects aforeſaid, by reaſon of thoſe countries and places: alſo all the before-named perſons, their heirs and ſucceſſors, ſhall for ever be the liegemen and ſubjects of the king of England, his heirs and ſucceſſors; and that he and they ſhall hold all the perſons, cities, counties, lands, countries, iſles, caſtles, and places aforenamed, and all their appurtenances and appendances, and they ſhall be and remain to them fully, perpetually, freely in their ſeigneury, ſovereignty, obedience, liegeance, and ſubjection, as the kings of France had and held them in any time paſt; and that the ſaid king of England, his heirs, and ſucceſſors, ſhall have and hold perpetually all the countries before-named, with their appurtenances and appendances, and other things before-named, with all perpetual franchiſes and liberties, as ſovereign and liege lord, as neighbour to the king and realm of France, without acknowledging any ſovereign, or performance of any obedience, homage, reſort, ſubjection, and without doing in any time to come any ſervice, or making recogniſance to the king or crown of France, for the cities, counties, caſtles, lands, countries, iſles, places, and perſons before named, or for any of them [e].

Alſo, it is agreed, That the king of France, and his eldeſt ſon the regent, for them, and their heirs, and for the kings of France, and their ſucceſſors, for ever, as ſoon as they can without fraud, and at fartheſt before Michaelmas 1361, ſhall render and deliver to the king of England, his heirs and ſucceſſors, and transfer to them, all the honours, liegeances, obediences, homages, vaſſals, fees, ſervices, recogniſances, oaths, right, mere and mixt empire, all manner of juriſdictions high and low, ſafeguards and ſeigneuries, which can or may belong in any manner, to the kings or crown of France, or to any other perſon by reaſon of the king and crown of France, at any time in the cities, counties, caſtles,

[e] This article was corrected, and at leaſt two parts of three left out of the corrected letter (as then called) or copy, the whole article there being no more than what follows in the next paragraph.

lands,

lands, countries, iſles, and places above-named, or in any of them, their appurtenances, and appendences whatſoever, or in perſons, vaſſals, ſubjects, or whoſoever of them.

XII. Alſo, it is agreed, That the king of France and his eldeſt ſon, ſhall renounce expreſsly all reſorts and ſovereignties, and all the right they have or can have in all thoſe things, which by this treaty ought to belong to the king of England. And in like manner, he and his eldeſt ſon ſhall renounce expreſsly all thoſe things, which by this treaty ought not to belong or be delivered to him, and all demands he makes of the king of France, and eſpecially to the name, and to the right of the crown of the kingdom of France, and to the homages, ſovereignty, and demeſn of the duchy of Normandy, the duchy of Tourain, the counties of Anjou and Maine, the ſovereignty and homage of the dukedom of Bretagne, and the homages and ſovereignties of the country and county of Flanders, and all other demands he can or ſhall make of the king of France, for what cauſe ſoever, except what by this treaty ought to remain, and be delivered to the king of England and his heirs; and one king ſhall part with, releaſe and transfer to the other perpetually all the right which either of them hath, or can have, in all the things which by this treaty ought to remain, and be delivered to each of them; and of the time and place where and when the ſaid renunciations ſhall be made, the two kings ſhall agree and appoint when they meet at Calais [f].

XIII. Alſo, it is agreed, That to the end this treaty may ſpeedily be accompliſhed, that the king of England ſhall bring the king of France to Calais, within three weeks after Midſummer, (there being no juſt hindrance) at his own expence.

XIV. Alſo, it is agreed, That the king of France ſhall pay to the king of England, three millions of crowns of gold, whereof two ſhall be of the value of a noble of Engliſh money; where ſix hundred thouſand crowns ſhall be paid to him or his deputies, within four months after the king of France ſhall arrive at Calais, and within a year following, four hundred thouſand crowns to be paid at London, and ſo every year four hundred thouſand crowns to be paid there until the whole was diſcharged.

XV. It is alſo agreed, That for the payment of the ſix hundred thouſand crowns at Calais, and for the delivery of the

[f] This article was entirely left out of the treaty corrected at Calais, when the two kings met there.

hoſtages

hoſtages hereafter named, within four months after the king of France ſhall be come to Calais, the town, caſtle, and fortreſſes of Rochelle, the caſtles, fortreſſes, and towns of the county of Guiſnes, ſhall be rendered to the king of England, with all their appurtenances and appendences; and the perſon of the king of France ſhall be delivered out of priſon, but he is not to arm himſelf or people againſt the king of England, but is to accompliſh what was to be done by this treaty; and the hoſtages are the great priſoners taken at the battle of Poictiers, and theſe following:

That is to ſay, monſieur Lewis earl of Anjou, monſieur John earl of Poictiers the king's ſons, the duke of Orleans the king's brother, the duke of Bourbon, the earl of Blois, or his brother, the earl of St. Paul, the earl of Alenſon, or monſieur Peter of Alenſon his brother, the earl of Harcourt, the earl of Portien, the earl of Valentinois, the earl of Briene, the earl of Vaudemont, the earl of Foreſt, the viſcount Beaumont, the lord of Coucy, the lord of Fienne, the lord of Preaux, the lord of St. Venant, the lord of Garencieres, the dauphin of Auvergne, the lord of Hangeſt, the lord of Montmorency, monſieur William de Craon, monſieur Lewis of Harcourt, monſieur John de Ligny. The names of the priſoners taken at Poictiers are theſe:

Monſieur Philip of France, the earl of Eu, the earl of Longueville, the earl of Ponthieu, the earl of Joigny, the earl of Sancerre, the earl of Dammartin, the earl of Ventadour, the earl of Salbruche, the earl of Auxerre, the earl of Vendoſme, the earl of Craon, the lord of Darnalt or Rual, the marſhal of Danchan or d'Andeneham, the lord of Aubigny.

XVI. Alſo, it is agreed, That the priſoners aforeſaid, which come to remain in hoſtage for the king of France, ſhall therefore be delivered out of priſon, without paying any ranſom, according to agreement, made before the third of May paſt; and if any of them be out of England, and not in hoſtage at Calais, within the firſt month after the ſaid three weeks after Midſummer, without juſt hindrance, he ſhall not be quit of his impriſonment, but be forced by the king of France to return into England, and there remain priſoner, or pay the penalty by him promiſed and incurred, for not returning.

XVII. Alſo, it is agreed, That inſtead of thoſe hoſtages, which ſhall not come to Calais, or ſhall die, or ſhall remove out of power of the king of England, the king of France ſhall deliver others of the ſame quality, as ſoon as may be, within

within four months after the bayly of Amiens, and the major of St. Omer, upon the king of England's certificate, ſhall have notice thereof; and the king of France, upon his departure from Calais, may have in his company ten of the hoſtages, ſuch as the two kings ſhall agree upon, ſo as thirty may remain.

XVIII. Alſo, it is agréed, That the king of France, within three months after he ſhall be gone from Calais, ſhall ſend thither, to remain in hoſtage, four perſons of the town of Paris, and two of every town following; of St. Omer, Arras, Amiens, Beauvais, Liſle, Doway, Tournay, Reims, Chaalons, Troyes, Chartres, Toulouſe, Lyons, Orleance, Compiegne, Rouen, Caen, Tours, Bourges; the moſt ſufficient of theſe towns for the accompliſhment of this treaty.

XIX. Alſo, it is agreed, That the king of France ſhall be brought from England to Calais, and remain there for four months, but ſhall pay nothing the firſt month for his guard and keeping; but for every one of the other months he ſhall remain there, he ſhall pay ſix thouſand royals, as they ſhall be then current in France, before his departure from Calais, and ſo afterwards for the time he ſtays there.

XX. Alſo, it is agreed, That as ſoon as may be, within a year after the king of France is departed from Calais, monſieur John earl of Montfort, ſhall have the earldom of Montfort, with all its appurtenances, doing homage liege to the king of France, and his devoir and ſervice in every caſe, as a good and loyal vaſſal liege ought to do to his liege lord by reaſon of his earldom; and alſo his other heritages ſhall be rendered to him, that belong not to the duchy of Bretagne, doing homage and other dues belonging to them; and if he will demand any thing in any of the heritages belonging to that duchy, out of the country of Bretagne, he ſhall receive good and ſpeedy reaſon from the court of France.

XXI. Alſo, upon the queſtion of the demeſn of Bretagne, which is between monſieur John de Montfort, and monſieur Charles de Blois, it is agreed, That the two kings calling before them or their deputies, the principal parties, they ſhall inform themſelves of their right, and ſhall endeavour to make them agree about all that is in debate between them, as ſoon as they can: and in caſe neither the kings, or their deputies, can make an agreement within a year after the king of France ſhall arrive at Calais, friends on both ſides may make the beſt agreement between them they can, and as ſoon as they can; and if they cannot compromiſe the matter within

half

half a year, they ſhall make report thereof, and what they find concerning the rights of each party, and why the debate remains between them, to the two kings or their deputies, and then they, as ſoon as may be, ſhall make an accord, giving their final ſentence upon the right of each party, which ſhall be executed by the two kings; and in caſe they cannot end the controverſy in half a year, then the two principal parties of Blois and Montfort ſhall do what ſeems beſt to them, and the friends of one part and the other, ſhall aſſiſt which part they pleaſe, without hindrance of the ſaid kings, or without receiving any damage, blame, or reproach from them; and if it happen that one of the parties will not appear before the kings or their deputies, at the time appointed, and alſo in caſe the kings or their deputies ſhall declare an accord between the parties, and ſhall give their opinion of the right of one party; and either of the parties will not conſent to, and obey the declaration, then the ſaid kings ſhall be againſt him with their whole power, and aid the other which ſhall comply and obey; but the two kings ſhall not in any caſe, in their proper perſons or by others, make war upon one another for the cauſe aforeſaid, and the ſovereignty and homage of the duchy ſhall always remain to the king of France.

XXII. Alſo, That all the lands, towns, countries, caſtles, and other places delivered to the king, ſhall enjoy ſuch liberties and franchiſes as they have at preſent, which ſhall be confirmed by the ſaid kings or their ſucceſſors, ſo often as they ſhall be duly required, if they be not contrary to this agreement.

XXIII. Alſo, the king of France ſhall render, or cauſe to be rendered, and confirm to monſieur Philip of Navarre, and to all his adherents, after this time, as ſoon as may be, without deceit, and at furtheſt within a year after the king of France ſhall be gone from Calais, all the towns, fortreſſes, caſtles, lordſhips, rights, rents, profits, juriſdictions, and places whatever, which he, in his own right, or in right of his wife, or adherents, held or ought to hold in the kingdom of France: and that he ſhall not do them any damage or injury, or reproach them for any thing done before that time, and ſhall pardon them all offences and miſpriſions for the time paſt, by reaſon of the war; and for this they ſhall have good and ſufficient letters, ſo as the ſaid monſieur Philip and his adherents return to their homage, and perform their duties, and be good and loyal vaſſals.

XXIV.

XXIV. Alſo it is accorded, That the king of England may give, for this time only, to whom he pleaſes, the lands and heritages that were monſieur Godfrey de Harcourt's, to hold of the duke of Normandy, or other lords of whom they ought to hold, by homage and ſervices anciently accuſtomed.

XXV. Alſo, it is agreed, That if any man or country, under the obedience of one party, ſhall, by reaſon of this agreement, go under the obedience of the other party; he ſhall not be impeached for any thing done in time paſt.

XXVI. Alſo, it is agreed, That the lands of the baniſhed, and adherents of one party and the other, and the churches of one party and the other, and all thoſe that are diſherited and outed of their lands, or charged with any penſion, tax, or impoſition, or otherwiſe in any manner charged by reaſon of the war, ſhall be reſtored entirely to the ſame rights and poſſeſſions which they had before the war began; and that all manner of forfeitures, treſpaſſes, or miſpriſions, done by them, or any of them in that time, ſhall be wholly pardoned; and theſe things to be done ſo ſoon as they well can, or at furtheſt within one year after the king ſhall leave Calais; except what is ſaid in the article of Calais and Merk, and the other places named in that article; except alſo the viſcount of Fronſac, and monſieur John Gaillard, who are not to be compriſed in this article, but their goods and heritages ſhall remain as they were before the treaty.

XXVII. Alſo, it is agreed, that the king of France ſhall deliver to the king of England, as ſoon as well he may, and at fartheſt within one year after his departure from Calais, all the cities, towns, countries, and other places abovenamed, which by this treaty ought to be delivered up to him.

XXVIII. Alſo, it is agreed, that upon delivery of the towns, fortreſſes and whole county of Ponthieu; the towns, fortreſſes, and whole county of Montfort; the city and caſtle of Xainctes; the caſtles, towns, fortreſſes, and all the king held in demeſne in the county of Xainctonge, on both ſides the river Charente; the city and caſtle of Angouleſme, and the caſtles, fortreſſes, and towns, which the king of France held in demeſne in the country of Angoulemois, with letters and commands of releaſing of faith and homage to the king of England, or his deputies; he at his proper coſt and charge ſhall deliver all the fortreſſes taken and poſſeſſed by him, his ſubjects, adherents, and allies, in the countries of France, of Anjou, of Maine, of Berry, Auvergne, Burgogne, Champagne, Picardy, and Normandy, and in all other parts and lands

lands of the kingdom of France; except thoſe in the duchy of Bretagne, and thoſe countries and lands which by this treaty ought to be and remain to the king of England.

XXIX. Alſo, it is agreed, that the king of France ſhall give up and deliver to the king of England, his heirs, or deputies, all the towns, fortreſſes, caſtles, and other lands, countries, and places before-named, with their appurtenances, at his proper coſt and charge: and alſo, if he ſhall have any rebels or diſobedient, that will not render and give up to the king of England any cities, caſtles, towns, countries, places, or fortreſſes, which ought to belong to him, the king of France ſhall be bound to cauſe them to be delivered at his own expence: and likewiſe the king of England ſhall cauſe to be delivered at his expence, the fortreſſes that by this treaty ought to belong to the king of France. And the ſaid kings and their people, ſhall be bound to aid one another, when they ſhall be required, at the wages of the party that ſhall require it, which ſhall be one florin of Florence a day for a knight, and half a florin for an eſcuyer, and to others according to that rate. And for the ſurplus of the double wages, it is agreed, that if the wages be too ſmall in regard of the rate of proviſions or victuals in the countries, they ſhall be regulated by four knights choſen for that purpoſe, two of one party and two of the other.

XXX. Alſo, it is agreed, that all the archbiſhops, biſhops, and other prelates, and men of holy church, by reaſon of their temporalities, ſhall be ſubject to that king under whom they hold their temporalities; and if they have temporalities under both kings, they ſhall be ſubject to each king for the temporality they hold of him.

XXXI. Alſo, it is agreed, that good alliances, amities, and confederacies be made between both the kings and their kingdoms, ſaving the conſcience and honour of one king and the other, notwithſtanding any confederacies they have made on this ſide, or beyond the ſea, with any perſons, be they of Scotland, or Flanders, or any other country.

XXXII. Alſo, it is agreed, that the king of France, and his eldeſt ſon the regent, for them and for their heirs kings of France, as ſoon as it may be done, ſhall declare themſelves, and depart from all the confederacies they have with the Scots; and promiſe, that they nor their heirs, nor the kings of France for the time being, ſhall give or do to the king or realm of Scotland, nor the ſubjects thereof, preſent and to come, any aid, comfort, or favour, againſt the king of England, his heirs and ſucceſſors, nor againſt the king-

kingdom, nor againſt the ſubjects in any manner; and that they make not other alliances with the Scots in time to come, againſt the kings and kingdom of England. And in like manner, as ſoon as it may be done, the king of England and his eldeſt ſon ſhall declare themſelves, and depart from all alliances they have with the Flemings; and promiſe that they nor their heirs, nor the kings of England for the time being, ſhall give or do to the Flemings, preſent and to come, any aid, comfort or favour, againſt the king of France, his heirs and ſucceſſors, nor againſt his ſubjects in any manner, and that they make no alliances with the ſaid Flemings in time to come, againſt the kings and kingdom of France.

XXXIII. Alſo, it is agreed, that the collations and proviſions made of benefices, vacant in time of the war, by one party and the other, ſhall hold and be good; and that the coſts, iſſues, and revenues, received and levied of any benefices, or other things temporal whatever, in the kingdoms of France and England, by one party or the other, during the wars, ſhall be quitted on one party and the other.

XXXIV. Alſo, that the kings above-ſaid ſhall be bound to cauſe to be confirmed all the things above-ſaid by our holy father the pope; and they ſhall be made ſure, and ſtrengthened by oaths, ſentences, and cenſures of the court of Rome, and all other places, in the moſt ſtrong manner that can be; and there ſhall be obtained diſpenſations, abſolutions, and letters from the court of Rome, for perfecting this treaty, and they ſhall be delivered to the parties, at fartheſt within three weeks after the king ſhall be arrived at Calais.

XXXV. Alſo, that all the ſubjects of the ſaid kings, which come to ſtudy in the univerſities, and places of ſtudy in the kingdoms of France and England, ſhall enjoy the privileges and liberties of thoſe places and univerſities, as well as they might have done before the war, or as they do at this preſent.

XXXVI. Alſo, it is agreed, that to the end the things debated and treated of, as above, may be more firm and valuable, there ſhall be made and given the ſecurities which follow: that is to ſay, letters (or inſtruments) ſealed with the ſeals of both kings and their eldeſt ſons, the beſt that can be made or directed by their council. And the ſaid kings and their eldeſt ſons, and other ſons, ſhall ſwear, and alſo thoſe of their lineage, and other great men of their kingdoms, to the number of twenty on each ſide, that they will obſerve and

keep

keep, and help in the keeping of the things treated and agreed, inaſmuch as ſhall concern them, and without fraud or deceit, ſhall accompliſh them, without ever doing any thing to the contrary, and without any hindrance of the ſame. And if there ſhall be any of the kingdom of England or France, which ſhall be rebels, and will not agree to the things above-ſaid, the ſaid kings ſhall uſe the power of their bodies, goods, and friends to bring ſuch rebels to obedience, according to the form and tenor of the treaty. And farther, the ſaid kings, their heirs and kingdoms, ſhall ſubmit themſelves to the coerſion of our holy father the pope, that he may conſtrain by ſentences, cenſures of the church, and all due ways, him that ſhall be rebel, according to reaſon. And according to theſe eſtabliſhments and ſecurities above-ſaid, both kings and their heirs ſhall by faith and oath renounce all wars and contention. And if by diſobedience, rebellion, or power of any ſubjects of France, or any juſt cauſe, the king of France or his heirs cannot accompliſh all the things above-ſaid, the king of England, his heirs, or any for them, ſhall not make war againſt the king of France, his heirs, or kingdom; but both together ſhall endeavour to bring the rebels to true obedience, and accompliſh the things above-ſaid. And if any of the realm, or obedience of the king of England, will not render the caſtles, towns, and fortreſſes, which they hold in the realm of France, and obey the treaty above-ſaid, or for juſt cauſe cannot do that which by this treaty they ought to do, the king of France, nor his heirs, nor any for them, ſhall make war upon the king of England, or his kingdom; but both together ſhall employ their power to recover the caſtles, towns, and fortreſſes; and that all obedience and compliance may be given to the treaty. And there ſhall be made and given on both ſides, according to the nature of the fact, all manner of ſecurity that ſhall be known, or can be deviſed, as well by the pope, the college of the court of Rome, as otherwiſe, holding the peace perpetually, and all the things as above agreed.

XXXVII. Alſo, it is agreed, that by this preſent treaty, all others, if any have been made before, ſhall be null and void, and never be any advantage to either party, nor cauſe any reproach of one to the other, for not obſerving them.

XXXVIII. Alſo, the preſent treaty ſhall be approved, ſworn to, and confirmed by the two kings, when they ſhall meet at Calais; and after the king of France ſhall be gone from thence, and be in his own power, within a month next following he ſhall make letters patent of confirmation, and ſend

and deliver them at Calais to the king of England, and receive ſuch and the like from the king of England.

XXXIX. Alſo it is agreed, that neither king ſhall procure, nor cauſe to be procured, by himſelf or others, any injury or moleſtation by the church of Rome, or any of holy church, whoever they be, to, or concerning this treaty, towards either of the kings, their coadjutors, adherents, and allies, whoever they be, or their lands or ſubjects, on occaſion of the war, or other thing, or for ſervice of the coadjutors, adherents, or allies of either ſide have performed; or if our holy father will do it of himſelf, both kings ſhall hinder it, as well as they can, without deceit.

XL. Alſo, the hoſtages that are to be delivered to the king of England at Calais, the manner and time thereof, the two kings ſhall there direct [g].

Remarks on the treaty of Bretigny.

After reading this treaty, the conditions whereof appear ſo hard for France, a man can ſcarce forbear repreſenting to himſelf a triumphant king treading upon the neck of his vanquiſhed enemy, and obliging him to receive what terms he is pleaſed to impoſe. Indeed this idea is very juſt, provided it be not carried too far: but if he adds that of an unjuſt conqueror exacting from his enemy conditions repugnant to reaſon and equity, he will doubtleſs frame a wrong idea of this famous treaty, the terms whereof are more moderate than they appear at firſt ſight: for it muſt be remembered, that almoſt all the provinces reſigned by France to England, belonged to Edward's predeceſſors, and that not by conqueſt or treaties extorted by violence, but by a right of inheritance immemorially received from their anceſtors. Never were the kings of France heard to complain that the dukes of Guienne, or the earls of Poictiers had wreſted thoſe countries from them by force. On the contrary, we have ſeen in the hiſtory of the foregoing kings, that Philip Auguſtus and St. Lewis diſpoſſeſſed by force of arms John Lackland and Henry III. not only of the provinces in queſtion, but likewiſe of Anjou, Touraine, Maine, and Normandy. Moreover, the treaty by which they were ſurrendered to France, was made whilſt Henry III. was in captivity to the earl of Leiceſter. Upon the ſuppoſition of theſe truths, it is eaſy to perceive the

[g] In the corrected inſtrument or letters of this treaty, the words "Reſort and ſovereignty" are always, and in all articles, omitted, in reſpect to the king of England's enjoying them in the places which were to be delivered to him, where, in the uncorrected article and inſtrument, they are given to him.

foundation

foundation of this treaty: Edward, taking the advantage of favourable junctures, aimed at the recovery of what was before wreſted by France from his anceſtors. It is true he required moreover Calais, the earldom of Guiſnes, and the ſovereignty of the provinces he recovered. To explain this article, it muſt be obſerved Edward had a right to demand whatever belonged to his predeceſſors, not to mention now his claim to the crown itſelf. In this belief, he thought, in leaving to France Normandy, Anjou, Main, Touraine, with the homage of Bretagne, he gave an equivalent for Guiſnes, and Calais, and the ſovereignty of Guienne. And if to this ceſſion be now added his title to the crown of France, which no doubt he deemed very plauſible, ſince he made it the ground of the war, I do not know whether there will be any great cauſe to exclaim againſt the unreaſonableneſs of the treaty. Edward therefore cannot be blamed for being willing to recover Guienne and all its dependencies, without condemning at the ſame time Philip Auguſtus and St. Lewis, who took by force the greateſt part of that province from his anceſtors, and Philip de Valois, who ſeized the reſt before the war was declared, upon the frivolous pretence of Edward's refuſing to obey his order, forbidding all his ſubjects and vaſſals to harbour Robert d'Artois. If Edward had received that prince at Bourdeaux, there would have been ſomething to object, but his being vaſſal for Guienne could not rob him of the privilege of acting as king of England. In fine, will it be ſaid, that the kings of France above-mentioned had a right to reannex to the crown, provinces that were part of the kingdom under the ſecond race? but Hugh Capet granted them in fee to lords, from whom they were devolved to the kings of England by lawful ſucceſſion: wherefore it can only be ſaid, that Philip Auguſtus had juſt cauſe to confiſcate Normandy, Poictou, Maine, Anjou, Touraine, and that Guienne was juſtly forfeited by Edward III. But all this is much eaſier aſſerted, than proved. If a preſcription of ſeventy years is alledged in favour of France, a much longer may be pleaded in behalf of the kings of England, when theſe countries were taken from them.

In fine, if any one ſtill imagines that Edward performed not his vow, to conclude a peace upon equitable terms, let him add to the foregoing remarks, the conſideration of the ſtate of the French affairs at the time of the treaty of Bretigny. King John was priſoner at London, and the dauphin ſhut up in Paris, from whence he durſt not ſtir. An army of an hundred thouſand Engliſhmen was in the centre of the kingdom, to

which no conſiderable body of troops could be oppoſed. Edward was maſter of many places taken by himſelf, or his generals, ſince his invaſion. In ſhort, an univerſal conſternation was ſpread all over the kingdom, from whence the inteſtine troubles deſtroyed all hopes of expelling the Engliſh. Theſe were very real advantages which Edward actually enjoyed: he might therefore juſtly hope to become maſter of all France, and attain the end he propoſed in the beginning of the war. What then prevented his improving ſo favourable a juncture? Certainly it could be nothing elſe but a willingneſs to be ſatisfied with a part, when he might have expected the whole, and with a part which he thought might with juſtice be taken from France, by whom it was unjuſtly acquired. It is time now to return to the events which followed the peace of Bretigny [h].

John is conducted to Calais,

This famous treaty, negociated in eight days, was approved by both kings. John was conducted to Calais in July [i], and ſtayed there four months according to agreement. At his firſt meal he was waited upon by Edward's four ſons, who ſhewed him all poſſible reſpect, purſuant to their father's orders. The four months were ſpent in drawing up all the neceſſary acts, as well for explaining as confirming and executing the treaty, that they might be all ſigned the ſame day. It was not till the 24th of October that the two kings ſigned and ſwore to the treaty at Calais, where Edward came ſome days before. All matters concerning the treaty being finiſhed, king John was releaſed on the 26th of the ſame month. Juſt before his departure, Edward gave him a ſenſible mark of friendſhip, in permitting him to carry with him prince Philip his ſon, taken at the battle of Poictiers. Of all his children this was his greateſt favourite: and though of all the hoſtages in Edward's hands, this was the chief, by reaſon of his father's affection, he very readily conſented he ſhould be one of the ten that were to be freed by the XXIId article of the peace of Bretigny. The two monarchs upon parting gave mutual tokens of cordial love and eſteem.

Act. Pub. tom. iv. p. 219.

and is ſet at liberty after ſwearing to the treaty.

He ratifies the treaty when in France,

As ſoon as John arrived at St. Omer, he ratified by his letters patent and voluntarily ſwore to all the articles of the

[h] As ſoon as king Edward received the news of the ratification of this treaty by the dauphin, regent of France, he ſailed his compleat from Bretigny, and travelled to Calais, came over to England, and landed at Rye, May 28. Da Chefne. Rymer's Fœdera, tom. vi. p. 218.

[i] A ſufficient fleet was equipped for that purpoſe, under the command of Sir John Beauchamp: king John was attended to Calais by prince Edward, the duke of Lancaſter, and many other noblemen: they arrived there on July 19. Ibid. p. 198.

treaty

treaty of Bretigny. By that he ſhewed no violence had been uſed to oblige him to ſwear at Calais. The reſt of his behaviour was agreeable to this firſt ſtep. He ſhewed upon all occaſions that his intention was to perform his engagements, and at laſt gave the moſt ſenſible proof of it, by putting Edward in poſſeſſion of the countries reſigned to him. There was only ſome difficulty concerning the earldom of Gaure in Gaſcogne, and the territory of Belville in Poictou, about which the two kings could not agree. Act. Pub. tom. iv. p. 230.

The peace between the two crowns appearing thus firmly eſtabliſhed, Edward ſent ſir John Chandos into France, to command in his name in the countries belonging to him, with the title of Lieutenant-general. He could not make a better choice [k]. Chandos was one of the moſt accompliſhed lords then in England, which is no ſmall commendation, conſidering the time. As affable and temperate in peace as he was brave in war, he was a ſubject every way qualified for ſuch an employ. As the king deſigned to gain the affection of his new ſubjects, he had taken care to ſend them for governor a perſon whoſe prudence was extremely proper to produce that effect. Moreover, he ſettled upon him a very conſiderable ſalary, which enabled him to keep a ſplendid court at Niort, in Poictou, where he reſided; and inveſted him with power to pardon all ſorts of crimes, that both by his outward luſtre and the diſtribution of his favours, he might procure for his maſter the love of the newly conquered people. 1361. John Chandos.

When Edward ſaw he was like to enjoy a laſting peace, he reſtored to the alien-priories [l] the lands taken from them twenty years before, towards the charges of the war. A thing very uncommon, to ſee princes freely make reſtitution of what they have once acquired. Edward reſtores to the priories their lands.

The plague ſtill raged in England this year. Among the reſt, it deprived the kingdom of the duke of Lancaſter, the moſt eſteemed of all the Engliſh lords. He was commonly called the Good Duke. Accordingly, his death was extremely lamented. He founded the collegiate-church of Leiceſter, Death of the duke of Lancaſter. Dugdale's Baron. Knighton.

[k] He behaved ſo bravely in the battle of Poictiers, that the king, for a reward of his good ſervice, granted him two parts of his manor of Kirketon in Lindſey. Rymer's Fœdera, tom. v. p. 874.

[l] There were two ſorts of priories, ſuch as were independent like the abbeys, and ſuch as depended upon ſome great abbey, from which they received their prior. When the convent to which any priory belonged was beyond ſea, it was ſtiled an alien priory.

and in the ſame place an hoſpital for three hundred poor men, which ſtill ſubſiſts to this day [m].

Marriage of the prince of Wales. Walſing.

The prince of Wales, who had not thought of marrying during the war, took this peaceable time to eſpouſe Joanna of Kent, his couſin, counteſs dowager of Holland. This princeſs was daughter of Edmund earl of Kent, beheaded in the beginning of this reign, by the intrigues of queen Iſabella and Mortimer. She was commonly called Joanna the Fair, by reaſon of her great beauty.

1362. Edward makes Guienne a principality. Act. Pub. VI. p. 384. Walſing. Knighton.

The next year, the king being pleaſed to give public marks of his eſteem and affection for the prince his eldeſt ſon, who had raiſed to ſo great a heigth the glory of the Engliſh name, erected for him the duchy of Guienne into a principality, under the name of the principality of Aquitaine. Then he ſolemnly inveſted the prince with it, obliging him only to pay yearly, in lieu of all ſervice, an ounce of gold to the crown of England [n].

Public acts to be in Engliſh. Walſing.

Edward ſpent the reſt of the year in making ſeveral wiſe regulations with his parliament, concerning domeſtic affairs [o]. Such, for example, was the decreeing that for the future, in the courts of juſtice, and in all public acts [p], the Engliſh language ſhould be uſed inſtead of the French or Norman, introduced by William the Conqueror.

A general pardon, Id.

In this parliament the king declared, that having attained to his fiftieth year, he would have it ſolemnized as a ſort of jubilee. To that end, he granted a general pardon for all offences whatever, treaſon itſelf not excepted [q]; he confirmed

[m] He and his father both lye buried in that church: he ſtiles himſelf in his will, duke of Lancaſter, earl of Derby, Lincoln and Leiceſter, &c. Knighton, who lived in that age, ſays: Henry duke of Lancaſter, "was the firſt "founder of the collegiate church and "hoſpital without South-gate at Lei-"ceſter, in which he placed a dean "and twelve canons prebendaries, as "many vicars and other miniſters, one "hundred poor and weak men, and "ten able women to aſſiſt the ſick and "weak, and ſufficiently endowed the "hoſpitals." It ſtill in ſome meaſure ſubſiſts by certain it penſes paid out of the duchy of Lancaſter, together with divers new charities. Camd. in Leiceſt.

[n] So he was prince of Wales, and of Aquitaine, duke of Cornwal, and earl of Chester and Kent; this laſt in right of his wife.

[o] This parliament met at London, October 13. and granted the king twenty ſix ſhillings and eight-pence on every ſack of wool for three years, beſides the former ſubſidy of wool-fells, and ſkins. Cotton's Abridgm. p. 2.

[p] This ſtatute ordained only, that all pleadings and judgments in the courts of Weſtminſter ſhould for the future be in Engliſh, whereas before they were wont to be in French. As to other public acts, ſuch as ſtatutes and the like, it does not appear they were writ in French till about the time of Edward I.

[q] It is likewiſe ſaid that the cuſtom of our kings, who upon Maundy Thurſday waſh, feed, and cloath as many poor as they are years old, had its riſe from this jubilee of king Edward. Vol. Virg. Lib. 19.

alſo

alſo Magna Charta, which was confirmed ten ſeveral times in this reign.

After Edward had performed what he thought neceſſary for the public, he was pleaſed likewiſe to do ſomething for his family, by creating Lionel, his third ſon, duke of Clarence: John of Gant, his fourth ſon, duke of Lancaſter: and the fifth, called Edmund, earl of Cambridge. In fine, after eſtabliſhing the ſtaple of wool at Calais, he ſpent the reſt of the winter in entertainments and diverſions. He took a progreſs into ſeveral counties, attended by the principal nobility, and the French hoſtages, who partook of all the recreations which the people ſtrove to divert their ſovereign with.

In the beginning of the year 1363. the prince of Wales departed for his government of Aquitaine. He reſided at Bourdeaux, where he kept a royal court, beloved and reſpected by all his ſubjects, who were very happy in being governed by ſo great a prince.

This year was remarkable for king John's return into England, where it is pretended he came to yield himſelf priſoner again, to attone for the fault committed by the duke of Anjou, his ſecond ſon, in withdrawing from Calais without leave. At leaſt, this is the reaſon generally given of that extraordinary proceeding. Some add, he had a mind to confer in perſon with Edward about the cruſade, of which he was declared general by the pope. There are hiſtorians, who have not ſcrupled to advance a much leſs noble motive of his return. They pretend, his paſſion for the counteſs of Saliſbury was the real cauſe of his journey, to which other motives ſerved for pretence. But this is a romantic notion, without any foundation [7]. Whatever enquiry has been hitherto made, the real occaſion of this prince's return is ſtill a ſecret. That of love is the moſt unlikely; and that of repairing the fault of the duke of Anjou, though adopted by the generality of hiſtorians, is, I think, groundleſs. To clear this matter, it will be neceſſary to relate ſome particulars which belong to the hiſtory, and which I have reſerved for this place, though they were tranſacted between the treaty of Bretigny, and the time I am now ſpeaking of.

Among the thirty hoſtages in the hands of Edward, beſides the burghers of ſeveral cities, there were four princes of the blood, Philip, duke of Orleans, king John's brother; Lewis, duke of Anjou; John, earl of Poictiers, afterwards

[7] This is aſſerted only by ſir Richard Baker, and ſome other moderns.

duke of Berry; and the duke of Bourbon. Theſe four princes, commonly ſtiled, The Lords of the Flower-de-Luce, being tired of England, ſought all poſſible means to return into their country. This however was no eaſy thing, ſince upon theſe four hoſtages Edward chiefly relied for the full performance of the treaty of Bretigny, and particularly for the payment of king John's ranſom. Nevertheleſs, by their ſolicitations, they agreed with him for their liberty, upon the following terms: I. That the king ſhould releaſe theſe four princes, provided, that before the firſt of November, the territory of Belville, and earldom of Gaure were reſigned to him, with two hundred thouſand florins. II. That before the departure of the princes, certain lands in Poictou ſhould be given him for pledge. III. That in caſe the firſt article was not executed by the time agreed on, the lands given in pledge ſhould remain to the king for ever, and the four princes be obliged to ſurrender themſelves in hoſtage as before. There were ſome other articles, but of no uſe in clearing this fact. John ratified the agreement, and the four hoſtages were conducted to Calais, where they continued upon their parole, till the execution of the firſt article. They had liberty to go out of the town whenever they pleaſed, and even to ſtay away three days, provided they came and lodged within the walls on the fourth. It appears by Edward's letter to the prince of Wales, in the Collection of the Public Acts, that the agreement was not executed, and thereby the princes deſpaired of recovering their liberty ſo ſoon[1]. The duke of Anjou, more impatient, and leſs ſcrupulous than the reſt, took advantage of his permiſſion to go out of Calais, to make his eſcape, and returned no more. Four other leſs conſiderable hoſtages followed his example. This is the foundation of the aſſertion, that king John came and ſurrendered himſelf priſoner at London, to repair the fault of the prince his ſon. But as nothing in the Collection of the Public Acts gives the leaſt hint, that this was the motive of his voyage, there is great reaſon to queſtion it. Beſides, king John was not obliged to take ſuch a ſtep, even tho' all the hoſtages had made their eſcape; his whole engagement conſiſting only in ſending the ſame hoſtages, or others of the like quality in their room[2]. Now it is not ſaid, that the duke of Anjou abſented

[1] See article XVII. of the treaty of Bretigny.

himſelf

himſelf from his father's court, and conſequently it was eaſy to ſend him back. In ſhort, if John returned to London as a priſoner, he would thereby have freed all the hoſtages, ſince they were detained only as ſecurity for the payment of his ranſom. All the reſt of the articles of the treaty of Bretigny were executed, except that relating to Gaure and Belville, which requ red not ſo great ſecurity. And yet, during John's three months ſtay at London, there was no talk of releaſing hoſtages. Froiſſart, whoſe teſtimony is urged, does not ſay, John ſurrendred himſelf priſoner again, but only that one of the motives of his voyage was to excuſe, and not to repair, the duke of Anjou's fault. Theſe are the hiſtorian's own words: "I was then informed, and true it was, that "king John purpoſed and deſired to go and ſee king Edward, "his brother, in England, and could not be diſſuaded from "his purpoſe, though he was ſufficiently adviſed to the con- "trary: and being told by ſeveral barons and prelates, he "was going to commit a great indiſcretion, he replied, he "had found ſo much honour in the king of England and his "ſons, that he did not queſtion their proving his true and "faithful friends on all occaſions; and moreover, he had a "mind to excuſe the duke of Anjou his ſon, who was "returned into France." Here is nothing importing, that John returned to England to yield himſelf priſoner, and therefore it is plainly a groundleſs aſſertion. As for the third motive, namely, his deſire to conſer with Edward about the cruſade, it is much more probable. But after all, this is only a conjecture, which cannot be entirely relied on. C. 220.

John is honourably received in England.

When Edward heard, John was landed at Dover, he ſent his ſons, with a great retinue of nobles, to receive him, and conduct him to London, where he paid him all the reſpect due to his rank and merit. The kings of Scotland and Cyprus, who were then in England, made his reception the more ſplendid. The former was come to pay Edward a viſit, and the latter to deſire his aid againſt the infidels. Upon ſo uncommon an occaſion, Edward took a pleaſure in entertaining his illuſtrious gueſts, with all poſſible magnificence, and with all the diverſions he could think of. The mayor of London made a ſplendid entertainment for the four kings, in the name of the city. The ſumptuouſneſs of ſir Henry Picard, citizen and wine-merchant, ought not to be paſſed over in ſilence. He invited all the four kings, with their retinues, to a feaſt at his Froiſſart. c. 221. Knighton

Sumptuouſneſs of a wine-merchant. Stow's ſurvey.

his own houſe [u], where they were magnificently entertained. King John has lodged in the palace of the Savoy, as before, and treated at the king's expence. About the middle of
1364. March, three months after his arrival at London, he was
Death of king John. Froiſſart, ibid. Walſing. Knighton. ſeized with a diſtemper of which he died the 8th of April 1364, to Edward's great grief, who had a ſingular eſteem for his virtue. There is aſcribed to this prince a ſaying, worthy to be had in eternal remembrance: "Though faith and truth "were baniſhed from the reſt of the world, they ought, "however, to be preſerved in the mouth of kings." It is pretended, this was ſaid on the occaſion of his returning into England; but it may, with much more likelihood, be aſcribed to his ſincere performance of the treaty of Bretigny, in ſpite of the obſtacles thrown in his way by ſome of his counſellors [w]. Charles V. his ſucceſſor, followed not the ſame maxims.

Battle of Avray, which put Montfort in poſſeſſion of Bretagne. Froiſſart. l. 1. c. 229. Walſing. Knighton.

Edward's good fortune not only ſhed its influence on himſelf and his ſubjects, but alſo on his allies. This year, John de Montfort, his ſon-in-law, won the famous battle of Avray, againſt Charles de Blois his competitor, who was ſlain. This victory decided the quarrel between the two houſes, who were contending for the duchy of Bretagne, and produced the treaty of Guerande, whereby Bretagne was aſſigned to John de Montfort, who did homage for it to the king of France [x]. Bertrand du Gueſclin, who ſerved Charles de Blois, and became afterwards very famous, was taken in the battle by ſir John Chandos, general of the Engliſh troops in Montfort's ſervice.

1365. The Engliſh name was then famous in all parts of the
Exploits of ſome Engliſhmen in the Eaſt. world. Some gallant Engliſhmen who had attended Guy de Luſignan, king of Cyprus into the eaſt, performed wonders, and returned loaded with honours and riches taken from the

Fortune of Thomas Hackwood. Walling.

[u] Which ſtood over againſt St. Martin's church, at a place called the Vintry. Barnes, p. 677.

[w] Knighton ſays, that king John on his death-bed confeſſed to Edward, that he had confederates in London and elſewhere, who ſecretly collected the fineſt gold of the kingdom, made it into plates, and ſent it in barrels to France, with great quantities of bows and arrows, &c. and that he had unjuſtly withheld the crown of France from him, till the peace of Bretigny. For all which, upon his requeſt, Edward entirely forgave him, and cauſed the gold and arms to be ſeized. But this ſeems to be an improbable and malicious ſtory, inconſiſtent with the character of this prince, who was deemed one of the braveſt, and moſt liberal and ſincere princes of his time. His body was carried into France, and buried at St. Denys.

[x] This battle was fought on September 29. King Edward made the purſuivant at arms, who brought him the news of this victory, a herald by the name of Windſor, which title continues to this day. Froiſſart. l. 1. c. 229. Tyrrel.

Infidels.

Infidels. At the ſame time, Thomas Hackwood an Engliſh-man, who departed from England a journeyman taylor, taking afterwards to arms, ſignalized himſelf in the Italian wars, by his valour and conduct, which raiſed him to the higheſt poſts. He gained ſuch honour and reputation for reſtoring in thoſe parts military diſcipline, which was almoſt entirely loſt, that after his death the Florentines erected in their city, a black marble ſtatute, in memory of the ſervices he had done them [y]. John Chandos and Robert Knolles diſtinguiſhed themſelves likewiſe in a very ſingular manner, in all Edward's wars with France. The fame of the Engliſh not only reached beyond the Alps, but flew alſo over the Pyrenæan mountains, as we ſhall ſee preſently [z].

Edward's great acquiſitions in France made pope Urban VI. think the preſent juncture very proper, to demand the tribute promiſed by king John Lackland to the Roman

1366. Urban IV. proudly demands the arrears of his tribute. O. Raynold.

y When, upon the delivery of the towns to the French king by the treaty of Bretigny, the officers and ſoldiers were ordered to depart, ſome Engliſh, and many more Germans and Flemings, refuſed to obey thoſe orders; and being reſolved to maintain themſelves by war, great numbers of common ſoldiers of all nations flocked to them, and increaſing to ſixteen thouſand men, ravaged France in a miſerable manner. At length dividing themſelves into two bodies, one part marched to Avignon, and by their ravages grew ſo formidable to the pope that he had publiſhed a cruſade againſt them; but that coming to nothing, he engaged the marquiſs of Montferrat to hire theſe adventurers, to aſſiſt him in his wars againſt the viſcount of Milan. The marquiſs accordingly treated with their captain ſir John Hawkwood an Engliſhman, and agreeing with him, Hawkwood went with his men into Italy, to the great joy of the French king. Hawkwood was a tanner's ſon of Eſſex, and being bound apprentice to a taylor in London quitted his trade, and went a ſoldier into France, where he was knighted for his valour, and going into Italy (as was ſaid) was ſo much in favour with the duke of Milan, that he gave him his natural daughter in marriage. After the duke's death, he ſerved the commonwealth of Florence, and performed ſuch great actions for them, that dying in their ſervice, they erected a monument for him in the cathedral of that city. The tranſlator ſerving as chaplain to ſir Charles Wager, in the late expedition to Italy on Don Carlos's account, and being at Florence, took particular notice of this monument. He is painted on the wall of the church on horſeback in armour, the whole in a green colour, with theſe two lines under his horſe's feet.

Johannes Acutus eques Britannicus, dux fuæ ætatis
Celeberrimus, et re militaris peritiſſimus, habitus eſt.

And underneath at a little diſtance theſe words:

Opus Pauli Uccelli.

z A parliament met this year at Weſtminſter, on Jan. 22. wherein the ſecond ſtatute againſt proviſors was enacted. Rot. Parl. 38 Edw. III. N. 1. 2. Cotton's Abridg. p. 100. Which occaſioned the pope's demanding the arrears of his tribute.

church,

church, and of which there was thirty years arrears due. In this belief he requires the payment, but with ſo much haughtineſs, that he even nominated commiſſioners to ſummon Edward before him in caſe of refuſal. The king's great ſpirit not brooking ſuch haughty proceedings, he cauſed the pope's demand to be laid before the parliament, where it was declared "That the king of England, had not power to bring "his realm in ſuch ſervitude, without the conſent of parliament: that, if neceſſity forced king John to ſuch a proceeding, his engagement was null, as being contrary to "his coronation-oath." This auguſt aſſembly, not content with ſo particular a deciſion, came alſo to this vigorous reſolution: "That, if the pope ſhould attempt by any means "whatever, to proſecute his unjuſt pretenſions, the nation "ſhould with all their power oppoſe him." The firmneſs of the parliament cauſed the pope to deſiſt, and had not only a preſent effect, but prevented the kings of England from being ever after troubled, upon that ſubject.

The parliament declares king John's engagement to be void. Rot. Parl. 40 Edw. III. N. 1—8.

Affairs of Caſtile. Froiſſart. Mezerai.

The prince of Wales lived three years in Guienne without exerciſing his valour, and even without any proſpect of doing it a good while. On a ſudden he was drawn out of this ſtate of tranquillity, by the ſollicitations of Peter king of Caſtile, ſirnamed the Cruel, who was lately expelled his dominions. Never did prince give his people greater cauſe of diſcontent. Cruel to exceſs, and of an unbounded avarice, he illegally put to death his great men, with the ſole view of confiſcating their eſtates. He minded only gratifying his paſſions, without any regard to honour or conſcience. His barbarity was grown to that height, that he poiſoned Blanche de Bourbon his wife, ſiſter of the queen of France, to marry Maria de Padilla, whom he had long kept as his miſtreſs. Of his five baſtard-brothers, the eldeſt had lately been ſacrificed to his ſuſpicions, and the other four were in danger. Henry earl of Treſtamare, one of the brothers, ſeeing himſelf every moment threatned with the ſame fate, rebelled againſt Peter, and engaged in his quarrel the king of Arragon, with the principal Caſtilian lords, who could no longer bear the tyranny of their ſovereign. His enterprize being at firſt unſucceſsful, he was repulſed by the tyrant, and forced to fly to the king of France, who promiſed him aid. Beſides his deſire to revenge the death of the queen his ſiſter-in-law, Charles was glad to find employment for a great number of idle ſoldiers, who, ſince the late peace, ſwarmed in France, and committed great diſorders,

ders [b]. With that view, he raiſed for Henry's aſſiſtance an army, the command whereof he gave to John de Bourbon earl of Marche, the queen's couſin-german, and was pleaſed that du Gueſclin, whoſe ranſom he paid to Chandos, ſhould be of the expedition.

With theſe troops, and the aſſiſtance of the Caſtilians, Henry marched through Arragon into Caſtile, where the tyrant ſaw himſelf immediately forſaken by all his nobles, except one ſingle knight. The defection putting it out of his power to withſtand his brother, he would have retired into Portugal, but was denied entrance. In this diſtreſs, he choſe to go out of Spain through Bayonne, from whence he repaired to Bourdeaux, to implore the aid and protection of the prince of Wales. If the young hero had reflected on the unworthineſs of the prince who deſired his aſſiſtance, he would doubtleſs have refuſed his requeſt: but conſidering only the honour of reſtoring a depoſed king, and perhaps weary of an unactive life, he undertook to replace him on the throne. To that end, he levied an army of thirty thouſand men, and marched at their head towards Spain, loaded with promiſes [c] from the Caſtilian, and big with expectation of gathering freſh laurels [d]. As he had no other way to enter Caſtile but thro' Navarre, he had taken care to ſecure a paſſage, by a treaty with the king of that country [e]: So he marched without oppoſition to the frontiers of Caſtile. Henry, who was now crowned at Burgos, receiving advice of the march of the Engliſh prince, advanced towards Navarre with a powerful army, to oppoſe his paſſage. He might very poſſibly have executed his deſign, conſidering the ſuperiority of his forces, had he been ſo wiſe as to avoid a battle. This the prince of Wales was moſt apprehenſive of, and therefore to provoke him, ſent

Peter the Cruel expelled his dominions. Froiſſart. Walſing.

He deſires the aid of the prince of Wales, who undertakes to reſtore him. Knighton.

Act. Pub. vi. p. 512, &c. 1366.

He marches towards Caſtile. Walſing.

Act. Pub. vi. p. 554. Froiſſart.

[b] Theſe were the other body of diſbanded ſoldiers mentioned in the note above, who remained in France, and called themſelves the companions. They routed the dukes of Orleans and Anjou, under the command of Sir Nicholas Dagworth, ſon of Thomas Dagworth, treacherouſly ſlain in Bretagne ſeveral years before. As they were moſt Engliſh, the king of England was deſired to reſtrain them by his authority, who calling them home by proclamation, they replied, as they held nothing in England of the king, ſo neither for him, nor any one elſe, would they leave their garriſons and livelihood, got with ſo much labour. Walſing.

[c] He engaged to pay fifty-ſix thouſand florins for the wages of his army, and left his three daughters pledges for the money; he transferred alſo by his charter the caſtles of Vermejo, Lequitio, Bilbao, and Ordiales, with the province of Biſcay, to prince Edward and his heirs for ever, wholly diſcharged of all ſovereignty and reſort. Rymer's Fœd. tom. vi. p. 512, 521, 559.

[d] It muſt be obſerved that he had by private meſſengers drawn off the companions (now commanded by Sir Hugh Calverly and Sir Robert Knolles) from the ſervice of Henry, and they were in his army to the number of twelve thouſand. Walſing.

[e] And by engaging to pay him twenty thouſand livres. Froiſſart.

him

him a very inſulting defiance, which Henry could not forbear to accept. The two armies approaching each other, the battle was fought near Nejara, a little town on the frontiers of Caſtile. As the fields of Creſſy and Poictiers had ſeen the prince of Wales perform wonders, that of Nejara was likewiſe witneſs of his heroic actions, which after a long ſtruggle, made victory incline to his ſide. The Spaniſh army reinforced with a ſtrong body of French troops, was entirely routed. Bertrand du Gueſclin, with the marſhal d'Endreghen, were taken priſoners. Henry having no refuge left in Caſtile, after the loſs of his army, retired into Arragon, from whence he repaired to Languedoc, to implore the aid of the duke of Anjou the governor.

Battle of Nejara. Froiſſart, l. i. c. 239. Walſing. Knighton.

Peter was at firſt ſo grateful, that preſently after the battle, he threw himſelf at the prince of Wales's feet, to thank him for reſtoring him to his kingdom. The prince of Wales lifting him up, and holding him in his arms, ſaid, "It was to "God alone he was indebted for the victory, and not to a "prince who was only a weak inſtrument in his hand." The conſequence of this good ſucceſs, was the reſtoration of Peter to his throne. It was now time for that prince to think of performing his promiſes, and rewarding the brave ſoldiers, who had ventured their lives in his ſervice. But as he was no leſs perfidious than cruel, after long feeding them with hopes of proviſions and money, he repaid them back with black ingratitude. Want ſoon bred among the ſoldiers a mortality, which ſwept away great numbers, and the fear of loſing the reſt obliged the prince, who ſaw himſelf baſely amuſed, to retire extremely diſſatisfied. He was even forced to ſell his plate, to provide for the more preſſing occaſions of his army, till he could entirely ſatisfy them. But this was not all the miſchief cauſed by this fatal expedition: during the prince's ſtay in Spain, he contracted a diſtemper of which he never recovered.

Peter thanks the prince for the victory. Act. Pub. vi. p. 531. 1368.

But repays him with ingratitude. The prince returns to Guienne. Froiſſart, l. i. c. 238.

Thus ended the enterprize of the prince of Wales; an enterprize glorious indeed, if the ſucceſs only be conſidered, but not very honourable as to the cauſe he eſpouſed, ſince it was ſolely to reſtore to the throne the baſeſt of princes. Heaven afterwards took care to revenge the Engliſh and Caſtilians. Du Gueſclin paying his ranſom, went and joined Henry again, and both together endeavoured with the aſſiſtance of France, to bring a freſh army into the field. As ſoon as they were ready, they re-entered Caſtile, and made ſo great a progreſs, that they were ſoon in condition to beſiege Toledo. Peter flying to the relief of that city, was defeated, and forced to retire

Catastrophe of Peter. Ib. c. 240.

to the castle of Montiel, where he was immediately invested. As he saw his case to be desperate, he resolved to go to Du Guesclin in his tent, imagining he would procure him tolerable conditions, or help him to make his escape. Unhappily for him, he found Henry his brother there The two princes falling first to reproaches, and then to blows, Henry threw his brother to the ground, and stabbed him with his dagger. After that he caused himself to be once more acknowledged king of Castile, without any opposition.

Difference between the end and beginning of Edward's reign.

Edward III. has appeared hitherto on the theatre of the world, as one of the most glorious of princes. If he had finished his course before the revolution I am going to speak of, perhaps it would have been difficult to find an instance of a more fortunate reign. But his latter years will present us with a very different scene from those we have seen. Fortune grew weary of favoring this monarch in his old age, after caressing him so much in his younger days. She robbed him before his death of all his glorious conquests, which were purchased so dearly, and these losses were attended with many other vexations. This is what remains to be considered in the sequel of this reign.

Prince Lionel's second marriage. Froissart. Act. Pub. vi. p. 547, 564.

Lionel duke of Clarence, Edward's third son, being contracted to Violante daughter of John Galeazzo duke of Milan [f], went to consummate his marriage, with a splendid retinue, and many young noblemen who attended him to do him honour. For some time there was nothing but entertainments and diversions, which were daily renewed in favour of a prince whose alliance was so honourable to the duke of Milan. These diversions, so lavishly procured him, hastened his end. Five months after his marriage, he died in Montferrat, in the thirty-second year of his age. By his first marriage with the sole heiress of the earl of Ulster in Ireland, he left a daughter called Philippa, of whose posterity I shall have frequent occasion to speak hereafter [g].

He dies in Italy. Walsing.

1369. Charles V. forms the design of breaking the treaty of Bretigny. Froissart. Walsing. Mezerai.

Edward's trouble for the loss of his son, was quickly followed by another, of which he was no less sensible. The treaty of Bretigny was so disadvantagious to France, that

[f] He had with her one hundred thousand florins of gold, and the towns of Mondovi, Alba, [illegible], Cherasco, and Coni, with their territories and appendances. Rymer's Fœd. tom. vi. p. 547.

[g] He was buried at Pavia, and afterwards brought over into England by Thomas Newburn, Esq; and others, and interred at Clare in Suffolk, in the convent-church of the Augustin friars, near his first wife Elizabeth de Burgh. His young widow Violanta, was married to Otho Palæologus, marquis of Montferrat, [illegible] by an hostler.

Charles

Charles V. who had himſelf made it, probably conſented to it only with intention to break it the firſt opportunity. The French were no better diſpoſed. This quickly appeared in all the difficulties raiſed by them when the reſigned provinces came to be delivered to the king of England. King John was the only perſon that acted with ſincerity; and it was he, that by his own authority prevented theſe obſtacles from being carried too far. Charles his ſon and ſucceſſor, whom the French ſurname the Wiſe, was not of ſo ſcrupulous a temper. He was no ſooner on the throne, but he tried to evade what remained unexecuted of the treaty. He even neglected to do Edward juſtice upon the duke of Anjou's eſcape, nor delivered up the earldom of Gaure. The judgment upon the affair of Belville, referred to arbitrators, was delayed on ſeveral pretences. King John's ranſom was not paid; or if Charles paid any thing after his acceſſion to the crown, it was but a ſmall part in reſpect of what was yet due. Mean time Edward, who had ſtill in his hands the dukes of Berry and Orleans, and ſeveral other hoſtages, could not imagine, that Charles thought of renewing the war, and believed his inability to be the only cauſe of all theſe delays. Affairs proceeded thus ſlowly from the death of John, till his ſucceſſor was able to take juſt meaſures to accompliſh his deſigns. He ever pretended a willingneſs to complete the execution of the treaty; and, under colour of paying his father's ranſom, to which he was bound, he heaped up money very liberally ſupplied by the ſtates, well knowing for what it was intended. With this ſupply he engaged ſeveral German princes in his intereſt; and when he thought matters ripe, ſought a pretence to break with England.

Edward diſguſts the lords of Guienne. Act. Publ. vi. p. 496.

When Edward was meditating a war with France, he believed it proper to attach to his ſervice the principal lords of Guienne, by ſeveral grants which he revoked immediately after the peace. This proceeding ſo exaſperated theſe lords, that they wanted only a favorable opportunity to ſhow their reſentment. In all appearance, they would have long waited in vain, if Charles had not given them private intimation that they ſhould be ſupported. As ſoon as they were ſure of his protection, nothing was wanting but a pretence to complain; and they were not long without having one, which to them ſeemed ſufficient to authorize them to throw off the maſk. The prince of Wales having laid upon Guienne a tax [called fouage or chimney-money] in order to pay the arrears

Charles promiſes to protect them.

The prince of Wales lays a tax on Guienne.

due to the troops levied for the Spaniſh war [h], inadvertently furniſhed his enemies with the deſired occaſion to declare themſelves. The lord d'Albret, the earls of Armagnac, Cominges, Perigord, and Carmaing, encouraging their vaſſals to complain of the new tax, received their complaints, brought them to the prince, and addreſſed him upon that ſubject. Their remonſtrances were ill received, both becauſe the prince was in want of money, and by reaſon of the haughtineſs wherewith they were made. This was preciſely what the lords wanted. On pretence they could not have juſtice from their prince, they applied to the king of France, whom they ſuppoſed to be ſtill ſovereign lord of Guienne, and prayed him to grant them letters of appeal to his parliament. Charles not thinking proper to declare himſelf yet, cheriſhed this diſpoſition, and in the mean time kept them at Paris. The journey of the lords, and their long ſtay at the court of France, gave the prince of Wales ſome ſuſpicion. He writ letter after letter to the king his father, to warn him that ſomething was contriving at Paris againſt him; but theſe warnings were to no purpoſe. The king and his council, imagining that the warlike prince, tired with an idle life, ſought occaſion to renew the war, were regardleſs of his remonſtrances.

Froiſſart. l. i. c. 239, 240.

Walſing.

Whilſt Edward relied on the ſincerity of the French, his ſon's diſtemper daily growing more dangerous, turned at laſt to a real dropſy. The prince's ill ſtate of health, and the king his father's infirmneſs, haſtened the reſolutions of the king of France. As he ſaw there could not be a more favorable juncture to execute his deſigns, he granted the Gaſcon lords the letters of appeal they required; pretending, notwithſtanding his oaths, and all his father's reſignations and renunciations, that he was ſtill ſovereign of Guienne. He built his pretenſions upon Edward's not having ſent his renunciation to the crown of France, purſuant to the treaty of Bretigny. But that renunciation being only a conſequence of the full performance of the treaty, Edward did not think himſelf, as indeed he was not, bound to make it, till the whole was executed. However, he had abſolutely quitted the title of king of France [i]; a clear evidence that he had no ill intentions. Beſides, Charles himſelf had not been more punctual to renounce

h. At one five a chimney, this tax would have mounted to twelve hundred thouſand livres a year. Froiſſart. This tax was laid on by the conſent of the eſtates of Guienne aſſembled in parlia-

ment; and was to laſt only five years. Ibid.

i. And yet did not quarter the arms of France with thoſe of England.

the provinces yielded to England by the treaty of Bretigny. These reciprocal renunciations were considered as the seal of the treaty, after the two kings should be satisfied concerning the execution. However that be, Charles used that pretence to summon the prince of Wales before the court of peers, to answer for his pretended tyranny upon the people of those provinces [k]. The prince's high spirit not suffering him to bear this affront without showing his resentment, he replied, he would not fail to appear, but it should be at the head of sixty thousand men. Mean while Charles was amusing Edward, by expostulating with him, as if he was desirous the affair should be put in negotiation. Edward answered by giving words for words, not imagining they really designed to dispute his sovereignty of Guienne, so clearly settled in the treaty of Bretigny, and much less that France was able to renew the war. But he preposterously flattered himself. It was not the sovereignty of Guienne only that Charles designed to dispute; he pretended moreover that the treaty of Bretigny was void, because Edward had not prevented certain plunderers [l] that came out of his dominions from entering France, and because he had not evacuated all the towns that were to be restored. On these pretences he ordered war to be proclaimed by a footman, because the prince of Wales had seized those that brought him the summons. Shortly after, he published an edict confiscating all the lands held by the English in France, and annexed them to the crown.

Charles summons the prince of Wales.

His answer. Froissart. l. i. c. 240, 241, 242.

Charles pretends the treaty of Bretigny is void.

He proclaims war. Id. c. 246.

Remarks on this rupture.

The praises bestowed on this prince by the French writers for so wisely making use of the junctures that offered to recover his dominions, deserve some reflection. It is true, he acted with prudence, if sincerity and honesty are to go for nothing. The success his conduct was crowned with, freed France for a time from her unfortunate state. But if we consider it closely, this prudence is real perfidiousness. For even supposing Edward had not executed any one article of the treaty, his non-performance did not give Charles a right to proclaim war against him. The king his father and himself had expressly renounced, with an oath, all violent methods in case of non-execution. Besides, he had not himself performed all the articles of the treaty; so that all he could reasonably demand was a compensation. But it was an open renouncing of good faith, to annul the whole treaty, on pre-

[k] This citation is dated at Paris, Jan. 25. Froissart.

[l] The companions mentioned in a foregoing note, and which were sent away by prince Edward some time after his return from Spain.

tence

tence that ſome articles remained ſtill to be performed by England, when he himſelf left ſeveral unexecuted. Moreover, his pretences of a rupture were ſo frivolous, that the French hiſtorians not being able to relate them preciſely, confine themſelves to generals, without mentioning particulars. The moſt plauſible pretence alledged by Froiſſart, is this, "The c. 238. "prince of Wales not having wherewithal to pay the troops "lately returned from Spain, ſix thouſand men diſbanding "themſelves, and afterwards joining again, committed great "ravages in Guienne. The prince deſiring them to depart "his dominions, they threw themſelves into the neighbour-"ing provinces of France, and plundered them unpuniſhed, "the French not being able to hinder them." Suppoſing Froiſſart relates the truth, it was not now practicable for the prince of Wales to go into France and quell theſe roving plunderers, who had entered that kingdom. It appears however, he did all that lay in his power, ſince he impoſed on his dukedom the feuage-tax, in order to pay his troops. But Charles made this very tax a pretence for a rupture, whence it is evident he only ſought an occaſion of quarrel. The ſame hiſtorian ſays further, that Charles ordering the treaty of Bretigny to be examined in his council, the chief debate ran upon the Art. xxxvi. article, whereby the two kings renounced all violent methods in caſe of non-execution. He adds, he was adviſed upon that foundation to proceed to a rupture, becauſe Edward never ceaſed to make war upon France. But he does not ſay, how or where, neither mentions any particulars. However, from what that author relates, it is very eaſy to infer, that before the treaty was examined, Charles had reſolved upon war, and that the examination was only made to find ſome pretence. Mezerai ſays, the occaſion of the rupture was, Edward's not withdrawing all his troops out of the kingdom; but does not name any one place where theſe troops remained. Thus it is manifeſt, the French authors were at a loſs what to alledge.

From what has been ſaid, it may be eaſily concluded, that Charles's wiſdom was not a very ſcrupulous virtue; whether he ſigned the treaty with an intention to break it, or formed not that deſign till a favorable opportunity offered. It is therefore the effect, and not the cauſe, which made this prince's conduct to be ſo much admired. Had he been as unſucceſsful as he was fortunate, he would again have thrown France into a gulph of miſery, and thereby juſtly incurred the blame of the whole world, and, doubtleſs, of thoſe very writers who have given him ſo great commendations.

State of affairs between the two crowns.

Before I enter upon the particulars of this ſecond war, it will be neceſſary to conſider, how matters ſtood between the two crowns, at the time of the rupture. The French complained, Edward had not ceaſed to make war againſt France, nor withdrawn all his troops out of the kingdom, purſuant to his engagements. But theſe are general complaints, containing no particular fact. Beſides, it is not very likely, that Edward, to whom this treaty was ſo advantagious, would have furniſhed France with a pretence to break it. The treaty itſelf ſhows, the Engliſh monarch's engagements were inconſiderable, in reſpect of the advantages he reaped by it. This gives occaſion to preſume, that being a prince of great abilities, as all muſt own, he could not be ſo unwiſe as to raiſe any obſtacles himſelf againſt the execution of ſo advantagious a treaty. As for the pretended injury done the Gaſcons by the prince of Wales, it is evident from the treaty, that Charles had no right to interpoſe.

It was not the ſame with reſpect to the Engliſh, whoſe complaints appear much more juſt. It is true, king John, whoſe ſincerity can never be too much commended, performed the treaty to the utmoſt of his power. He was no ſooner returned into his dominions, but he ratified every article ſeparately, by particular acts. Then, not content with the ſwearing himſelf to the obſervance thereof, he obliged the dauphin his ſon, who was to ſucceed him, to take the ſame oath. So, all defects in his engagements, by reaſon of his captivity, were removed by his ratifications, when at full liberty in his own territories. Performance was a ſtill more authentic confirmation than promiſes or oaths. He put Edward in poſſeſſion of the lands reſigned by the treaty, without any reſerve, and particularly thoſe held of Guienne. If he had not meant to give up the ſovereignty with the lands, it is not credible that he and the prince his ſon, ſhould make no exception of that ſovereignty, either in the treaty itſelf, or in any of the ratifications of each particular article. At leaſt they would not have neglected to make a proteſtation, when Edward erected Guienne into a principality, and inveſted the prince his ſon, without the participation of France. Indeed, there was a diſpute between the two kings concerning two inconſiderable territories, but not to quarrel for ſuch a trifle, the matter was put to arbitration. As for the ranſom, king John's inability was the ſole cauſe of his not paying it at the time appointed. Edward was ſo well ſatisfied of that prince's ſincerity, that he made no ſcruple to prolong the time of payment, in order to give him ſome reſpite. This mode-

moderation was the reaſon why at the time of king John's death, there remained ſtill to pay two hundred thouſand crowns of the firſt million. Moreover, in expectation that John, or the dauphin his ſon, would pay him in time, Edward was not ſo ſtrict with regard to the hoſtages as he ſhould have been. I have obſerved he readily conſented, that prince Philip, afterwards duke of Burgundy, ſhould be one of the ten to be releaſed by the XVIIth article of the treaty, though it was in his power to give one of leſs diſtinction. All the reſt had in England all the liberty they could reaſonably deſire. The Collection of the Public Acts is full of licences granted them, to go and take care of their private affairs in France. The duke of Anjou, the earls of Grandpré and Brenne, the lords of Clare and Derval abuſed that favour, and all Edward's inſtances could not procure him the leaſt ſatisfaction upon that article.

How the French hoſtages got out of Edward's hands. Act. Pub. vi, p. 396, 398, 419. p. 411, 453.

The duke of Orleans, by the grant of certain lands to Thomas of Woodſtock, the king's ſon, procured his own with the freedom of Audreſel one of the priſoners.

Froiſſart, Act. Pub. vi. p. 396.

The duke of Bourbon having opportunity to do the king ſome ſervice with the pope, was ſet at liberty, on payment only of twelve thouſand crowns, given by the prince of Wales to the perſon that took him at Poictiers.

The affair of Belville being put to arbitration, Edward relying on the ſincerity of the French, and the juſtice of his cauſe, made no ſcruple to enter into an engagement to which he was not obliged. He was pleaſed, even after the duke of Anjou's eſcape, to promiſe to releaſe the duke of Berry, and the earl of Alenſon, in caſe the point was decided in favour of France. He even carried his generoſity ſo far, as to give theſe two princes leave to return home, contenting himſelf with taking their word, that if the affair was determined in his favour by the arbitrators, they would come back to England and remain in hoſtage, only till he was in poſſeſſion of the territory in diſpute. Theſe two princes embraced his generoſity, and returned to France. Mean while, the affair was left undecided, and the hoſtages thought no more of returning.

Ib. p. 484, 562. p. 492, 544.

The earl of St. Pol obtained his liberty, upon leaving his two ſons in his room. p. 4

Charles d'Artois made his eſcape without taking leave.

The lords of Luxemburg, Eſtampes and Hengeſt, died in England, and Charles ſent not other hoſtages in their room, though he was often required.

Act. Pub. vi. p. 473. p. 568.

The earl of Harcourt had leave for a certain time, and returned no more.

Guy de Blois did the ſame thing; but agreed afterwards with Edward, by giving him Soiſſons.

Ib. p. 551, 568.

Montmorency, Boucherche and Mulevrier, had leave to go to France, but took care never to return. It is likely, however, they gave the king ſome ſatisfaction, ſince we do not find any complaint againſt them in the Collection of the Public Acts, from whence I have taken theſe particulars.

As for the other hoſtages of leſs note, and the burgeſſes of the towns, whereof Toulouſe neglected to ſend any, Edward generouſly gave ſome their freedom, and the reſt compounded for their ranſoms, or died in England

As for king John's ranſom, there ſtill remained unpaid near two millions. It is true, Edward received of Charles, at ſeveral times, about three hundred thouſand crowns, which, added to what was paid by the king his father, amounted to little more than the firſt million, which was due ſeven or eight months before.

It appears then, that Edward was the only perſon wronged, and yet Charles pretended, the treaty of Bretigny was void, by the non-performance of ſome articles on the part of England; articles, which no hiſtorian has diſtinctly mentioned. Upon this foundation he aſſerted, that France, reſtored to her antient right, might juſtly confiſcate the provinces reſigned to England. After theſe remarks, which ſeemed neceſſary for clearing this fact, it is time to reſume the thread of the hiſtory.

Ponthieu taken from Edward. The chief cities of Guienne revolt. Froiſart, L. 1. c. 236.

Edward was extremely ſurprized to find that Charles, who paſſed not for a warrior, ſhould dare to cope with a prince that had gained ſo many battles. He was ſtill more aſtoniſhed, when he heard that the earldom of Ponthieu was ſeized, and the principal cities of Guienne were in arms againſt him. He ſummoned a parliament, which granted him large aids to maintain ſo neceſſary a war, wherein he was unwillingly engaged [m]. By the advice of the parliament, he re-aſſumed

[m] This parliament met at Weſtminſter, May 29, and granted the king for three years, of ſubſidies for every ſack of wool, forty-three ſhillings and four-pence; of every twenty dozen of fells, forty-three ſhillings and four-pence; and of every laſt of hides, four pounds. Of aliens, for every ſack of wool, fifty-three ſhillings and four-pence; and of every twenty dozen of fells, forty-three ſhillings and four-pence; and of every laſt of hides, five pounds ſix ſhillings and eight-pence, over the old cuſtom. Cotton's Abridg. This parliament was during, when the French fleet came to London, and declared war againſt England. See Barnes, p. 7, 9. Froiſ. c. 236.

the

the title of king of France," which he had relinquiſhed ſince the peace [n]. After obtaining this ſupply from his ſubjects, and a poſitive promiſe to ſupport him as long as the war ſhould laſt, his firſt care was to ſend troops to the prince of Wales, to recover the cities of Guienne. Then he diſpatched the duke of Lancaſter, his fourth ſon, to Calais, with a powerful army. But the duke's progreſs ended only in ravaging the open country, without making any conqueſt.

He ſtiles himſelf king of France. Act. Pub. vi. p. 621, 622. Walſing.

The renewal of the war was not the only thing that diſturbed Edward's repoſe this year. The loſs of his queen was to him a very great increaſe of affliction. He had lived with her forty years in perfect union, and had by her twelve children. The good queen was likewiſe extremely lamented by the people, who had always found her ready to relieve them in their neceſſities. The poor eſpecially were great loſers by her death [o].

Death of the queen. Aug. 15. Walſing. Froiſſart.

1370. Death of Chandos. Froiſſart. Walſingh.

The war was continued in France to the advantage of England, under the conduct of Chandos, who commanded in Saintonge and Poictou, and maintained his maſter's affairs in thoſe parts in a flouriſhing condition. But this brave general being ſlain at length in a battle [p], they began to decline in theſe two provinces [q].

Limoges revolts. Ibidem.

Guienne was in no better ſtate. The prince of Wales, who, becauſe of his illneſs, could do little more than give

[n] This year the king ſet forth an order for the arming of all clergymen. Part of it runs thus: "The king "commands and requires all the pre"lates aſſembled in parliament, that in "regard of the great danger and "damage which may happen to the "realm and church of England by "reaſon of this war, in caſe the ene"my ſhould invade the kingdom, that "they will appear themſelves in the "defence of the realm, and cauſe their "tenants, dependants, monks, parſons, "vicars, &c. to be prepared for the "field in a military manner, and be "ready to encounter the force, and "diſappoint the malice of his enemies." All which the prelates in parliament engaged to perform. Rot. in Tur. Lond. An. 43 Edward III. Rymer, tom. vi. p. 671.

[o] She died on the 15th of Auguſt, 1369, having been married two and forty years, and was buried in the chapel of the kings in Weſtminſter-Abbey, under a fair tomb of black touchſtone, with her portraiture thereon of alabaſter. About her monument were placed the figures, and now remain the ſhields of arms carved and painted of thirty illuſtrious perſons. Among other works of charity, ſhe contributed largely towards the building and endowing of Queen's College in Oxford, founded in 1340, by Robert Egleſfield, her chaplain and confeſſor.

[p] In a ſmall rencounter he received a wound in the head, of which he died two days after. Froiſſart, l. 1. c. 286. About that time Sir Robert Knolles was ſent with an army into France, and waſted that kingdom from Calais to Paris. Walſingh. Rymer's Fœd. tom. vi. p. 653.

[q] In the beginning of this year, the king was in ſo great want of money, notwithſtanding the large aids granted him by his parliaments, that he borrowed great ſums of money from merchants and perſons of eſtates. Walſing. p. 183. Rymer's Fœd. tom. vi. p. 6[illegible].

directions, saw himself extremely weakened by the revolt of the chief towns depending on his principality of Aquitain. Limoges, a city of great importance, was surprized by the French, or rather delivered to change matters. The disloyalty of the inhabitants so incensed the prince, that he resolved to make them an example. To that end, having received a supply of troops, brought him by the duke of Lancaster and the earl of Cambridge, he besieged the town, took it by storm, and put all the inhabitants to the sword.

The inhabitants put to the sword.

The prince of Wales's distemper increases.

1371. He returns to England. Act. Pub. vii. p. 6. Froissart. Walsing.

This was the last warlike exploit of that great prince, whose distemper obliged him to be carried in a litter. At last, finding himself utterly unable to act, he resolved to return into England. He had still some small hopes that his native air would restore him to his health. After resigning to the king his principality of Aquitain, which he could no longer govern, he departed, leaving the command of the army to the duke of Lancaster. Before his departure, he had the vexation to see Edward his eldest son die, in the seventh year of his age. He was a prince of great hopes, and seemed much more like his father and grandfather, than his younger brother Richard, who succeeded them. The prince of Wales took his son Richard with him, in order to have him educated in England.

Death of the king of Scotland. Robert Stuart succeeds. Buchanan. Act. Pub. vi. p. 696.

David king of Scotland died the last year, leaving his crown to Robert Stuart his nephew, son of his eldest sister. Robert was no sooner on the throne, but he made an alliance offensive and defensive with France against England. But the league was kept secret, Charles not having then any need of his aid, which doubtless he reserved for a more urgent occasion.

The duke of Lancaster and earl of Cambridge marry the two daughters of Peter the Cruel. Froissart. Walsing.

The departure of the prince of Wales entirely ruined the affairs of the English in Guienne. The duke of Lancaster and the earl of Cambridge, perceiving that with so few troops they could not hope to reduce the revolted towns, or effectually withstand the French, resolved to return into England to solicit fresh supplies. Before they departed, they married the two daughters of Peter the Cruel, king of Castile, expelled and slain by Henry his bastard-brother. The duke of Lancaster espousing Constantia the eldest, immediately assumed the title of king of Castile and Leon, thereby showing, he designed to prosecute his wife's right [r]. This proceeding obliged

1372. The duke of Lancaster assumes the title of king of Castile.

[r] Pedro king of Castile, when he came to implore the assistance of prince Edward, brought two young daughters with him, who were left as pledges for their father's performance of the conditions agreed on between him and that

liged Henry to unite more closely with France. As it was his interest to help as much as possible to humble England, he resolved to assist Charles with all his forces. Act. Pub. vi. p. 658, 719. Froissart, l. i. c. 290. Walsing.

About this time the Flemings, who had declared for France, were defeated at sea by the earl of Hereford, who took six and twenty of their ships.

But this could not balance the advantages gained by Du Guesclin upon England in Guienne, and the neighbouring provinces. This brave general, whom Charles had drawn from the king of Castile's service, to make him constable of France, beat the English every where. After driving them out of Limosin, Perigord, and Rovergne, he carried his progress so far, that he found himself able to march into Saintonge, and at length to lay siege to Rochelle, with the assistance of a fleet sent by the king of Castile, to block up the town by sea. When Edward received the news, he speedily sent the earl of Pembroke with forty ships to throw succours into the town. This precaution seemed sufficient to save Rochelle; but for some time nothing had prospered with the English. The earl of Pembroke [s] being about to sail into the port, met the Spanish fleet, commanded by admiral Boccanegra, a Genoese, who fiercely attacked him. The fight lasted two days, and ended at length in the entire defeat of the English fleet [t], the admiral and many officers being taken and sent bound into Spain. This loss compleated the ruin of the English affairs. Rochelle however might have still held out, had it not been for the treachery of the mayor. This magistrate, who held intelligence with the besiegers, found means to cause the garrison to be drawn out of the citadel, under colour of a muster, and by means of a forged order of the king, which Manfel the governor, not being able to read, took for real. When the garrison was come out, the mayor shut the gates, and would not suffer them to re-enter. Whereupon the town capitulated, and obtained such advanta-

Guesclin gets the better of the English.

He besieges Rochelle.

The earl of Pembroke is beaten at sea. Walsing. Froissart. l. i. c. 295, 297.

Rochelle taken. Id. c. 302.

that prince, which their father taking no care to perform, and being killed not long after, the young ladies were left upon prince Edward's hands. When they came to women's estate, the duke of Lancaster was advised to marry the eldest, being deemed the true heiress to the crown of Castile, and the earl of Cambridge married Isabella the youngest.

[s] Who was appointed the king's lieutenant in Guienne: and at the same time the duke of Lancaster was ordered to invade France by the side of Picardy, with a large army. Froissart. Rymer, tom. vii. p. 7. 13.

[t] This defeat happened on June 23. There was in one of the ships taken by the enemy, twenty thousand marks in ready money to pay the army. Froissart. Walsing.

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gious terms [u], that ſhe rather became free than changed ſovereign.

Gueſclin beſieges Thouars. Froiſſart. l. i. c. 303.

The loſs of Rochelle alarming Edward's adherents in thoſe parts, Du Gueſclin improved his advantages. He marched into Poictou, where he took ſeveral towns, and at length formed the ſiege of Thouars, where the principal lords of the country were retired. The ſiege was ſo vigorouſly carried on, that the beſieged were at laſt forced to capitulate, and promiſe to return to the obedience of France, if the king of England, or one of his ſons, did not come before Michaelmaſs, with an army ſtrong enough to give battle. Such capitulations were very common in thoſe days, when good faith was more eſteemed than at preſent. Accordingly, they are no longer practiſed. The loſs of Thouars was of too great conſequence to leave that place un-relieved, eſpecially as the king's honour was concerned. Edward's extreme deſire to ſave that town, and with it the reſt of Poictou, cauſed him to uſe his utmoſt endeavours. In a very ſhort time he aſſembled a fleet of four hundred ſail [w], with which he would have come in perſon to raiſe the ſiege [x]. But the winds conſtantly refuſing to favour him, all his endeavours proved fruitleſs. He was ſix weeks at ſea, without being able to reach Poictou. At laſt he was forced to return to England after great fatigues and a vaſt expence, which almoſt drained his treaſury. He was ſcarce come to London when he heard the French were maſters of all Poictou [y].

Edward tries in vain to ſave the town. Ibid. Waſing.

[u] The conditions were: that their caſtle, which commanded the town, ſhould be razed; and that they ſhould have a mint allowed them. They alſo obtained a charter of their privileges and liberties, in as ample manner as they deſired. Ibid. c. 302.

[w] And gathered a large army together, about three thouſand lances, and ten thouſand archers, by ſummoning all men to come ready armed to Sandwich, and other parts. Froiſſart.

[x] He ſailed from Sandwich the 31ſt of Auguſt, or beginning of September, with his ſon the Black Prince, who was now pretty well recovered; but was forced to return to England, in the beginning of October. See Rymer, tom. vi.

[y] This year a parliament met at Weſtminſter, November 3, and the citizens and burgeſſes granted for the ſafe conveying of their ſhips and goods, a cuſtom of two ſhillings upon every tun of wine, coming in or exported out of the kingdom, and ſix-pence in the pound of all their goods and merchandiſe for one year. Walſing. p. 184. This year [illegible] 15, died the lord Walter Manny, and was buried in the Charter-Houſe, which he had founded. Alſo his only daughter and heir was married to John de Haſtings earl of Pembroke. Dugdale's Baron. vol. ii. p. 150. The 16th of the ſame month died Humphrey de Bohun, earl of Hereford, Eſſex, and Northampton, conſtable of England, the tenth of that name, and laſt male of that noble family. He left behind him only two daughters, Eleanor, afterwards married to Thomas of Woodſtock, king Edward's youngeſt ſon; and Mary to Henry earl of Derby, who became king, by the name of Henry IV. Id. vol. i. p. 187.

Edward's

Edward's affairs proſpered little better in Bretagne, though the duke his ſon-in-law did his utmoſt to promote them. The people were weary of war, and were troubled to ſee, that ſolely for the intereſt of the Engliſh, they were going to be plunged again into their late calamities. On the other hand, the lords of Bretagne, bribed by French penſions, oppoſed their prince's deſigns, and treated as enemies the troops ſent thither by Edward to ſupport the war. In this ſituation the duke, whoſe heart was entirely Engliſh, had it not in his power to ſerve the king his father-in-law as he wiſhed, or to perform his late treaty. Thus embarraſſed, he reſolved to go himſelf into England, and ſollicit a ſupply capable of procuring him greater authority in his own dominions. Edward was very ſenſible of the importance of the demand, but could not do every thing [z]. He was obliged therefore to ſend back the duke of Bretagne with fair promiſes only, whilſt he turned all his thoughts to reſtore the affairs of Guienne, which touched him more nearly [a].

Affairs of Bretagne. Argentré. Mezerai. Froiſſart.

Act. Pub. vi. p. 698, 738, 768.

Purſuant to his reſolution to make a powerful effort in Gaſcogne, he aſſembled an army of thirty thouſand men, the command whereof was given to the duke of Lancaſter his ſon, ſtiled in England, King of Caſtile. The duke landing at Calais, traverſed all France without oppoſition, and came to Bourdeaux. From thence he advanced into upper Guienne, with deſign to expel the duke of Anjou, who had taken ſeveral towns. He offered him battle, which the French prince accepted. The time and place were appointed; but the two generals receiving advice of a truce concluded between the two crowns, both retired [b].

1374. The duke of Lancaſter goes to Guienne. Froiſſart. l. 1. c. 308, &c. Act. Pub. vii. p. 7, 13. Walſing. Battle agreed on, prevented by a truce.

Some time ſince, at the preſſing inſtance of the pope, the two kings had ſent plenipotentiaries [c] to Bruges, where the 1375.

[z] In the year 1375, having obtained an aid from king Edward, he ſailed in the beginning of the ſpring, from England, with three thouſand archers and two thouſand men at arms, and recovered ſeveral of his towns and caſtles. Froiſ. Walſing.

[a] This year, on the 20th of March, Sir John Devereux marched from Niort, with a conſiderable army to relieve Siveray, then beſieged by the French, but was entirely defeated. Froiſ.

[b] A parliament met this year at Weſtminſter, November 1, which granted the king two fifteenths, to be paid in two years; and alſo of every twenty ſhillings of merchandiſe coming into the realm, or going out, ſix-pence for two years, except of wools, ſkins, and woolfells. And alſo the ſubſidy of wools for two years, upon condition, that if the wars ceaſed within two years, then the latter payments of all their grants ſhould ceaſe. Rot. Parl. 47 Edw. III. N. 4, 5. Cotton's Abridg. p. 116. Walſ. p. 180.

[c] The Engliſh plenipotentiaries were Simon biſhop of London, Edmund earl of March; Richard de Stafford, and Roger de Beauchamp, knights bannerets; Simon de Melton, doctor of laws, and John de Blankettr, treaſurer of York. Rymer's Fœd. tom. vi. p. 760.

fore-

Froiſſart. l. i. c. 311. Act. Pub. vi. p. 702, 704, 711, 760. vii. p. 57, 66—81.

fore mentioned truce was concluded, to negotiate a peace. But the pretenſions of the two monarchs being too oppoſite for a peace to be ſo eaſily made, their negotiation ended only in a prolongation of the truce to April 1377. As ſoon as the truce was ſigned, the duke of Lancaſter led back his troops into England.

1376. Truce prolonged. Ib. p. 89, 200.

Though the conſequences of the laſt war were no leſs conſiderable than thoſe of the former, ſince France recovered in this whatever ſhe loſt in the other, yet the particulars are very far from being ſo entertaining. In the firſt, Edward's conqueſts were rendered illuſtrious by a naval engagement, where the king commanded in perſon. The battle of Creſſy, where all the nobles of both kingdoms fought in the preſence of the two kings, and gained by a prince of ſixteen years old, is one of the moſt intereſting ſcenes in hiſtory. The conqueſt of Calais, in the ſight of an hundred and fifty thouſand men, is no leſs capable of affecting the reader. The victory of Poictiers, obtained by an army of twelve thouſand againſt ſixty thouſand, and the taking of king John, are events which command our admiration, and quicken our attention. In a word, the firſt war was ended by the moſt important and ſolemn treaty ever made between the two crowns. In the ſecond, there was not one general action: the two kings, contenting themſelves with directing their affairs in the cabinet, never appeared at the head of their armies. As for the ſieges, excepting thoſe of Limoges and Rochelle, there was ſcarce one worth mentioning. The towns loſt by the Engliſh, were taken or ſurprized with a wonderful rapidity: ſome even ſurrendered before the enemy's approach. The loſſes therefore of the Engliſh were a real defeat, which affords but few particulars proper to ſatisfy the reader's curioſity. For this reaſon, I have not inſiſted upon a detail, which muſt have been tedious. It ſuffices to obſerve, that at the time of the laſt treaty, England had loſt whatever was acquired by the treaty of Bretigny, except Calais alone. So true is it, that acquiſitions gained by force of arms, ought not to be relied on, as has been, and is daily confirmed by numberleſs inſtances. Sooner or later, a ſuperior force finds means to wreſt them from the conqueror or his children. Thus France loſt in the reign of John, what was conquered upon the Engliſh by Philip Auguſtus and St. Lewis; and thus Edward III. loſt the conqueſts made by himſelf in France. We ſhall ſee in the courſe of the hiſtory, that one of Edward's ſucceſſors amply retrieved all theſe loſſes; and the French, in their turn, recovered quickly after whatever had been taken by that prince. Such

ex-

examples, frequently occurring in history, ought to teach princes to moderate their ambition; but few are so wise as to profit by them. If we enquire into the natural causes of the revolution by which Edward lost what he had acquired by the treaty of Bretigny, they will appear very obvious. The revolt of the Gascons, the prince of Wales's distemper, Edward's old age, his too credulous reliance on the king of France's sincerity, the prudence of Charles the Wise, who, without stirring from the cabinet, managed the whole war, the conduct and bravery of Bertrand du Guesclin, were the instruments in the hand of providence to produce that revolution.

Edward falls in love with Alice Pierce. Walsing.

The English were in some measure comforted for all their losses, by the tranquillity enjoyed by the truce. The king himself appeared to lay aside his martial inclinations, for others which sullied his reputation. In his old age he fell in love with Alice Pierce[d]. His passion had such an attendant over him, that it made him guilty of weaknesses unbecoming so great a prince. The money raised for the war, was quickly consumed by this greedy she-favorite. From thence followed an universal discontent throughout the kingdom. Wholly employed with pleasing his mistress, the king thought only of procuring her diversions. Entertainments were daily made with immense expence. Taxes were the more grievous, as the nation had been drained by continual wars. They were extremely troubled, to see the money designed for the payment of the public debts, squandred away in vanities. Above all, a tournament held in Smithfield, gave great offence, where Alice Pierce, to whom her old lover had given the name of Lady of the Sun, appeared by his side in a triumphant chariot, and attended by many ladies of quality, each leading a knight by his horse's bridle. When the king's coffers were empty, he called a parliament to demand a supply: but he had the mortification to see that his people, who so powerfully assisted him in his glorious undertakings, had not the same zeal to provide for useless expences. Before the supply was granted, the parliament complained of the ill-management of his ministers, particularly of the duke of Lancaster, whom the king his father had chiefly intrusted with the administration of affairs.

He wastes the public money, which disgusts the nation.

A tournament in Smithfield. Stow's Survey.

The parliament obliges the king to turn off his favorite and ministers. Cotton's Abridg. Walsing.

[d] She was one of the ladies of the bed-chamber to queen Philippa. In a grant to her of some jewels belonging to queen Philippa declared, dated at Woodstock, August the 8th, 1373, she is called Perers. Rymer's Fœd. tom. vii. p. 28. This is the only record in the Fœdera, which proves Edward's affection for this lady; a thing Mr. Barnes will by no means allow, for two reasons, because Edward was so chaste in the flower of his age, and because so noble a baron as the lord William Windsor married her afterwards.

They

They even petitioned the king to remove from his perſon the duke of Lancaſter his ſon, Alice Pierce [e], Latimer lord chamberlain, and others that were moſt in his favour. The petition was made with ſuch warmth, that the king perceiving he could not reject it without danger, granted their requeſt, leſt in their turn the parliament ſhould refuſe him the money he wanted. It was not queſtioned, but the prince of Wales had privately induced the parliament to take this ſtep, in order to remove the duke of Lancaſter, who was in too great credit with the king. As the prince found he muſt die, he could not reflect without uneaſineſs, that he was going to leave his young ſon Richard to the mercy of an ambitious uncle, who might uſe his credit to take the crown from him. And indeed Richard, by reaſon of his youth, was incapable of oppoſing the duke's deſigns, in caſe they ſhould tend, as it was ſuſpected, to the procuring himſelf to be declared the king's preſumptive heir, after the death of his elder brother. This obliged the prince of Wales to ſeek for his ſon the protection of the parliament, as the only means to ſupport him in his juſt rights. For the ſame reaſon, probably, the parliament [f] petitioned the removal of the duke of Lancaſter. During this ſeſſion, Edward, now in the fiftieth year of his reign, cauſed a general pardon to be publiſhed, which pleaſed the whole nation.

Hollingſh.

A general pardon. Act. Pub. vii. p. 136.

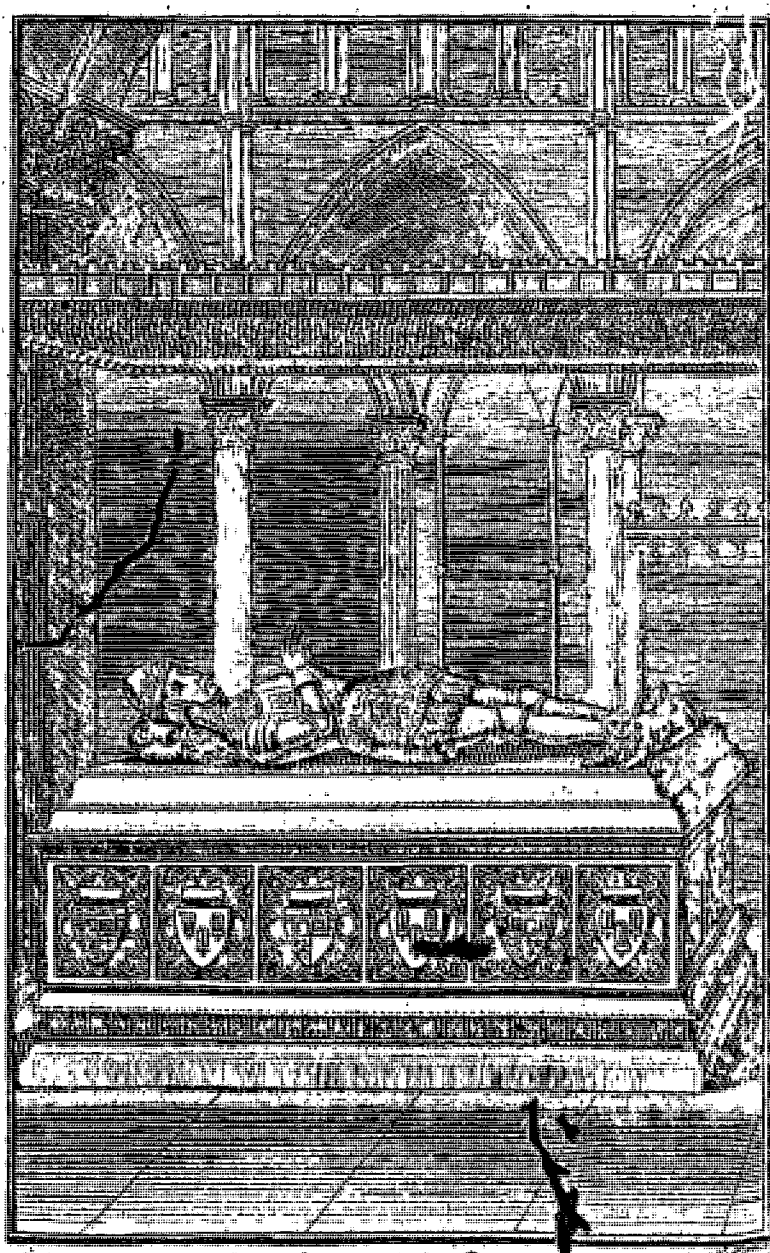
A ſorrow no leſs univerſal quickly followed this joy. It was cauſed by the death of the prince of Wales, the moſt excellent prince England had ever produced. He was poſſeſſed of all virtues in an eminent degree. A good ſoldier, and a great general, brave without fierceneſs, bold in battle, but very affable in converſation, and of a modeſty which could never be ſufficiently admired. Ever ſubmiſſive and reſpectful to the king his father, whom he never once diſobliged. Generous, liberal, pleaſed with rewarding merit wherever he found it, he wanted no qualification requiſite to form a perfect hero. The Engliſh commonly called him, The Black Prince; not for his warlike exploits, as ſome have imagined, but becauſe he wore black armour. The news of his death was received with inconceivable grief, though it was long expected. The parliament was willing, on this occaſion, to expreſs their juſt ſorrow for the loſs of ſo great a prince, who had gained the affection and eſteem of the whole nation, by attending his corps to Canterbury, where he choſe to be in-

Death of the prince of Wales. His character. Walſing.

[e] She was accuſed of coming into the courts of juſtice, ſitting on the bench with the judges, and making them do as ſhe pleaſed. Walſing.

[f] This parliament was called the Good Parliament. Walſing.

terred.



The Monument of Edward Prince of Wales Son of K. EDWARD III in ye Cathedral of Canterbury

terred [g]. This renowned prince died in the forty-ſixth year of his age, lamented by the king his father, who ſhowed upon that occaſion leſs firmneſs, than he had done in all his other misfortunes [h]. The king of France himſelf, though he had little reaſon to be ſorry, gave him marks of his eſteem, by ordering a ſolemn ſervice to be celebrated at Paris, at which he was pleaſed to be preſent in perſon. Prince Edward left but one legitimate ſon, about ten years old, and two natural ſons, who made no great figure in hiſtory [i]. Froiſſart. l. i. c. 312.

1377. The king recalls the duke of Lancaſter and Alice Pierce. Walſing.

The Engliſh were the more ſenſible of their loſs, as it was ſoon followed by a freſh occaſion of ſorrow. The king recalled to court thoſe that were removed from his perſon. Peter de la Mare, ſpeaker of the houſe of commons [k], who, in preſenting the above-mentioned petition to the king, had ſpoken a little too freely againſt Alice Pierce, was, at her ſollicitation, confined in Nottingham-caſtle. The duke of Lancaſter reſumed his old poſt, and all the other miniſters were reſtored to their former offices. However, though he gave the duke of Lancaſter this expreſs teſtimony of his affection and confidence, Edward would not give him occaſion to expect he deſigned him for his ſucceſſor. On the contrary, to prevent all diſputes after his death about the ſucceſſion, he

[g] He died of a fever, June 8, 1376, and by his will diſpoſed of his body to be buried in the cathedral of the Trinity at Canterbury. Over his grave is erected a ſtately monument of grey marble, with his portraiture thereon of copper, gilt; the ends and ſides are garniſhed with eſcutcheons alſo of copper, enameled with his arms and devices, and ſuperſcribed with the words Houmout and Ich dien. On an iron bar over the tomb, are placed the helmet and creſt, coat of mail and gantlets, and [illegible]illar near thereto) his ſhield of arms richly diapered with gold; all which he is ſaid to have uſed in battle. On a fillet of braſs round the monument is circumſcribed this French epitaph, "Cy "giſt le noble prince monſieur Edward, "aiſnez filz du treſnoble roy Edward "tiers: jadis prince d'Aquitain & de "Gales, duc de Cornewaille & comte de "Ceſtre, qi morust [illegible] la feſte di la Trinitè queſtoit le [illegible] jour de Juyn, l'an "de grace mil trois cenz ſeptante ſiſne, l' "alme de qi Dieu eit mercy Amen." On the ſouth ſide at the foot, and at the north-ſide of the tomb, are French verſes.

[h] Walſingham ſays, with him died the hopes of the Engliſh, during whoſe life they dreaded no invaſion, nor feared to encounter any enemy. He never undertook an expedition without conqueſt, never formed a ſiege without carrying the place, &c. p. 190.

[i] His natural iſſue were, 1. Sir John Sounder, of whom there is no other mention than of his name. 2. Sir Ruger de Clarendon, ſo named probably from the place of his birth. He was made one of the knights of the chamber to Richard II. who granted him one hundred pounds per ann. during life. He was attainted in the reign of Henry IV. and is thought to be the anceſtor of a family of the Smiths in Eſſex. He bore, or, on a bend ſable, three oſtrich-feathers argent, the quills tranſfixed thro' as many ſcrolls of the firſt. Samf. General p. 189.

[k] He was not ſpeaker, it ſeems, (tho' Walſing. ſays it by miſtake) but a conſiderable knight of Herefordſhire, both for prudence and eloquence. He was confined till the beginning of the next reign.

created

He creates Richard his grandſon, prince of Wales. Cotton's Abridg. Act. Pub. vii. p. 126. Walſing.

created Richard his grandſon duke of Cornwal and earl of Cheſter, and preſently after conferred on him the title of prince of Wales. But not content with diſcovering his intention, he cauſed all the nobility to take their oath to him, as to the heir apparent of the crown. Finally, for fear his uncles might entertain hopes of aſcending the throne to his prejudice, he was pleaſed to put him as it were in poſſeſſion of the rank he deſigned him for, by cauſing him to take place of them in all public ſolemnities. Thus did that wiſe prince take meaſures to prevent the diſſentions which might ariſe after his death in his family, concerning the ſucceſſion; pleaſing himſelf withal in honouring the memory of a ſon he had tenderly loved and perfectly eſteemed, by doing juſtice to young Richard [1].

Troubles on account of Wickliff. Walſing.

Whilſt theſe things were tranſacting at court, John Wickliff, doctor of divinity in the univerſity of Oxford, began to publiſh his belief upon ſeveral articles of religion, wherein he differed from the common doctrine. Pope Gregory XI. being informed of it, condemned ſome of his tenets, and commanded the archbiſhop of Canterbury, and biſhop of London, to oblige him to ſubſcribe the condemnation, and in caſe of refuſal, to ſummon him to Rome. It was not eaſy to execute this commiſſion. Wickliff had now many followers in the kingdom, and for protector the duke of Lancaſter, whoſe authority was very little inferior to the king's. Nevertheleſs, to obey the pope's order, the archbiſhop held a ſynod at St. Paul's in London, and cited Wickliff to appear. Accordingly he appeared, accompanied by the duke of Lancaſter and the lord Percy, marſhal of England, who believed their preſence neceſſary to protect him. After he had taken his place, according to his rank, and been interrogated by the biſhop of London, he would have anſwered ſitting, and thereby gave occaſion for a great diſpute. The biſhop inſiſted upon his ſtanding and being uncovered, and the duke of Lancaſter pretended, Wickliff was there only as doctor to give his vote and opinion, and not as a party accuſed. The conteſt grew ſo high, that the duke of Lancaſter proceeded to threats, and gave the biſhop very hard words. Whereupon the people that were preſent, thinking the biſhop in danger, took his part with ſuch heat and noiſe, that the duke and earl marſhal thought fit to withdraw and take Wickliff with them. Their

[1] This year a parliament met at London, Jan. 27, which granted the king four-pence by way of poll from every perſon in the kingdom, male and female, above fourteen years of age, except mere beggars. Cotton's Abridg. p. 144, &c.

withdrawing appeased not the tumult: some incendiaries spread a report, that at the instance of the duke of Lancaster, it was moved that day to the king in council, to put down the office of lord mayor, take away the city privileges, and reduce London under the jurisdiction of the earl marshal. This was sufficient to enrage the people: they ran immediately to the Marshalsea and freed all the prisoners. But they did not stop there. The multitude, whose number continually increased, posted to the duke of Lancaster's palace in the Savoy, and missing his person, plundered the house, and dragged his arms along the streets. The duke was so provoked at the affront, that he could not be pacified but by the removal of the mayor[m] and aldermen, whom he accused of not using their authority to restrain the seditious.

Wickliff explains his notions of the Eucharist.

To return to Wickliff. The bishops being met a second time, the doctor declared before them his sentiments concerning the sacrament of the Eucharist, explaining the eating of the body of Christ, much in the same manner as Berengarius had done before him. Though his opinion was contrary to the doctrine of the church in those days, the bishops not daring to proceed rigorously against him, were contented with injoining him silence. It is said, he promised to obey; but however, the dispute was revived in the following reign.

The king makes Richard knight of the garter. Walsing.

Let us conclude this reign with Edward's last public action, who, in an assembly of the Knights-Companions of the Garter at Windsor, conferred that order on Richard his grandson. This was the only honour he could yet give him, after declaring him his successor. Shortly after, this great prince, who was now indisposed, fell so dangerously ill, that his death was believed to approach. Before he left the world, he had the mortification to see the world leave him. Alice his favourite, who managed him in his sickness, suffered very few to come into his room. When she saw he was dying, she seized every thing of value she could find, even to the rings on his finger, and withdrew. His courtiers and chaplains showed no less ingratitude. They all deserted him, without vouchsafing to warn him of the little time he had to live, and of the account he was shortly to give of his actions to God. There was only one single priest, who accidentally seeing him forsaken in his last agonies, came near the bed to comfort him. He addressed to him some exhortations, to which the dying king endeavoured to reply; but his words were not articulate enough to be understood. The only word

He falls ill, and sees himself deserted by all. Walsing.

[m] Adam Stapl[illegible], in whose room Sir Nicholas Brember was chose[illegible]. Stow's Survey.

Death of Edward.

diſtinctly pronounced, was the name of Chriſt, juſt as he fetched his laſt breath. Thus died this illuſtrious prince at Shene (now Richmond) in the ſixty-fifth year of his age, and the fifty-firſt of his reign [n].

His character.

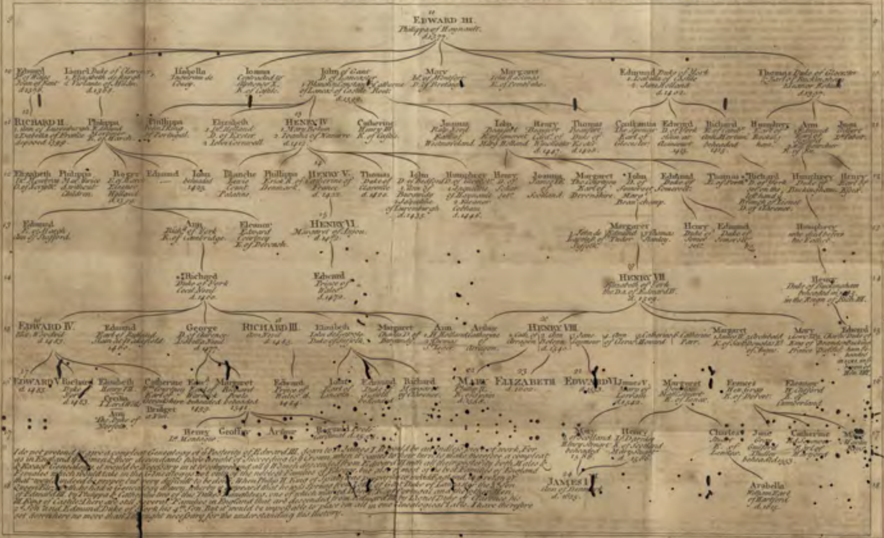
After relating the principal actions of Edward III. in the hiſtory of his reign, it will be neceſſary, in order to complete the character of this famous prince, to give ſome account of his perſon, and accompliſhments of body and mind. He was very tall, but well-ſhaped, and of ſo noble and majeſtic an aſpect that his very looks commanded reſpect and veneration. Affable and obliging to the good, but inexorable to the bad; there are few princes to be met with in hiſtory, in whom were ſo well mixed the duties of a ſovereign with thoſe of an honeſt man and a good Chriſtian, though in this laſt reſpect his conduct was not altogether blameleſs. His converſation was eaſy, and always accompanied with gravity and diſcretion. Friend of the poor, the fatherleſs, the widow, and all who were unhappily fallen into misfortune, he made it his buſineſs to procure them ſome comfort in their affliction. Never had king before him beſtowed honours and rewards and more judgment, and greater regard to true merit. Though his valour was acknowledged and admired by all the world, it never made him proud. Never did he ſhow greater ſigns of humility, than in the courſe of his victories, which he conſtantly aſcribed to the ſole protection of heaven. He knew how to maintain the prerogatives of the crown, without incroaching on the privileges of the people. In all the former reigns there had not been enacted ſo many advantageous ſtatutes to the nation as in this: Edward always agreeing with the auguſt body of the nation's repreſentatives, made that harmony inſtrumental to curb the deſigns of the court of Rome, which never dared to quarrel with him. The glory of the prince of Wales, his ſon, added a new luſtre to his own, and his conſtant union with his queen increaſed his

[n] He died of the ſhingles, on June 21, 1377. Rymer's Fœd. tom. vii. p. 151. Walſing. Tyrrel, and lies buried at Weſtminſter-Abbey, with this epitaph upon his tomb, according to the jingling rhime of thoſe days.

Hic decus Anglorum, flos regnum præteritorum,
Forma futurorum, rex clemens, pax populorum,
Tertius Edwardus, regni complens jubilæum,
Invictus pardus, bellis pollens Machabæum,
Proſperatum vixit, regnum pictate revixit,
Armipotens rex: jam cœlo (cælice rex) fit!
Tertius Edwardus famâ ſuper æthera notus;
Fugna pro patria.
MCCCLXXVII.

happineſs.

A Genealogical Table of the Posterity of Edward III down to K. James I.



happineſs. As he was never too elate in proſperity, ſo in adverſity he was never too much dejected. His moderation appeared no leſs in his loſs of the provinces that had coſt him ſo much toil and treaſure, than in his victories which had gained him the poſſeſſion. In a word, he might be reckoned an accompliſhed prince, if his ambition had not cauſed him to break, in a diſhonourable manner, the peace made with Scotland, in order to diſpoſſeſs a minor king, who beſides was his brother in law. Some add likewiſe the rupture with France, and his pretenſions to the crown of that kingdom, which they term extravagant, and wholly aſcribe to an ambitious motive. The following Diſſertation will help the reader to judge of this conduct. As to his weakneſs in falling in love in his old age with Alice Pierce, that blemiſh is much leſſened by the many noble qualities which rendered him ſo praiſe-worthy. One might in ſome meaſure excuſe him, by ſaying he conſidered this paſſion at firſt as an amuſement only, to divert him in his troubles, and knowing little of love in his youthful days, took not ſufficient care to guard himſelf againſt it in his old age [o].

His iſſue.

Philippa of Hainault, his queen, brought him twelve children, ſome of whom died before him. Edward prince of Wales, his eldeſt ſon, left but one ſon, who aſcended the throne after his grandfather. William, his ſecond ſon, died an infant [p]. Lionel duke of Clarence, who ended his days in Italy, left only a daughter called Philippa, by his firſt wife, an Iriſh lady [q]. John of Gaunt, duke of Lancaſter, was twice married in his father's life-time, and had children, of whom I ſhall have occaſion to ſpeak in the following reigns. Edward's fifth ſon was Edmund, ſirnamed of Langley, the place of his birth: he was created earl of Cambridge by the king his father, and afterwards duke of York, in the reign of Richard II. his nephew. William, ſirnamed of Windſor, died young [r]. Thomas of Woodſtock, the ſeventh ſon,

[o] Among other public acts of magnificence and charity, king Edward rebuilt Windſor caſtle, of which ſtructure the famous William of Wickham was ſurveyor. He alſo founded King's hall in Cambridge, now part of Trinity college; and the collegiate chapel of St. Stephen's at Weſtminſter, for a dean and twelve ſecular canons. Stow's Ann. p. 277. Rymer's Fœd. tom. v. p. 631.

[p] William of Hatfield (the place of his birth) born 1336, dying in his childhood, was interred in the cathedral of York.

[q] Elizabeth de Burgh, in whoſe right he was created earl of Ulſter in Ireland. William de Burgh, her father, married Maud, daughter of Henry, ſon of Edmund, ſecond ſon of Henry III.

[r] And was buried at Weſtminſter: where, in the chapel of St. Edmund, is to be ſeen a tomb of grey marble, on which lie the figures of this William and his ſiſter Blanch de la Tour, carved in alabaſter, in the habit of the time, each about a foot and a half long. The fillet of brass, containing their epitaph, is torn away.

was made duke of Buckingham by Richard II. and afterwards duke of Gloceſter.

Iſabella, eldeſt daughter of Edward, was married to Ingelram de Coucy earl of Soiſſons [s]. Joanna was firſt contracted to the duke of Auſtria, and afterwards to Pedro the Cruel [t], king of Caſtile, before he was king, and died at Bourdeaux as ſhe was going to Spain to conſummate her marriage. Blanch lived but few years [u]. Mary was married to John de Montfort duke of Bretagne, and died in 1363. Margaret was wife to John Haſtings, earl of Pembroke [w].

[s] Who was by Edward III. created earl of Bedford, 1366. This Iſabella was buried in the church of the Friers Minors without Aldgate, leaving iſſue Mary de Coucy, wife of Robert de Barr, and Philippa de Coucy, wife of Robert de Vere duke of Ireland, marquis of Dublin (a title before unknown in England), and earl of Oxford; who forſaking her, married one Lancerona, a joyner's daughter (as is reported), who came with king Richard II's wife out of Bohemia. He died at laſt in great want, at Louvaid, 1352; and his corpſe was brought home, and interred at Earl's Colne in Eſſex.

[t] She was married by proxy, and entitled Queen of Spain, but died of the plague as ſoon as ſhe came into Spain; ſo that the king her ſpouſe coming to meet her to ſolemnize the nuptials, accompanied her to church only at her funeral, in 1348. She was born in the Tower, 1335. All our hiſtorians unanimouſly affirm ſhe was contracted to Alphonſo XI. king of Caſtile; but that it was to his ſon Pedro, ſirnamed the Cruel, is undeniably manifeſt from Rymer's Fœd. tom. v. p. 475—478, 498—503, 601—607, 612, etc.

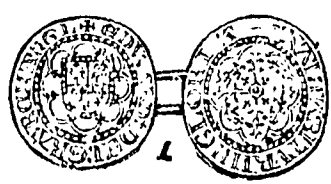
[u] She was called de la Tour, becauſe born in the Tower of London. She was buried in Weſtminſter abbey, 1340, and her figure of alabaſter lies as above-mentioned in note r.

[w] This John Haſtings being ſent to raiſe the ſiege of Rochelle, fell into the hands of the Spaniards, and after two years captivity, was ſold to a nobleman of France, with whom agreeing for his ranſom, he was at his departure poiſoned at a banquet, 1375, without iſſue by this wife, being the firſt ſubject who followed the example of king Edward III. in quartering arms, as may be ſeen in his eſcutcheon, on the north ſide of Edward III's tomb, upon which he bears, quarterly, or, a manch gules, by the name of Haſtings; and, barry of twelves pieces argent and azure, an orle of eight martlets gules, being Valence; impaling France femée, and England, quarterly. Sandf. Geneal. p. 180.

BY a charter-mint to the abbot of Reading, it ſeems that there was not any greater piece coined, till after the twelfth year of Edward III, than a penny. For the charter runs thus: "Rex dilecto "ſibi Johanni de Flete cuſtodi cambii noſtri Londini: cum per car- "tam noſtram conceſſerimus dilectis nobis in Chriſto. — Abbati et "monachis de Radyng quod et ipſi et ſucceſſores in perpetuum ha- "beant unum monetarium et unum cuneum, etc. — Vobis mand- "mus quod tres cuneos de duro et competente metallo, unum, "viz. pro ſterlingis, alium pro obolis, et tertium pro ferlingis, pro "moneta apud dictum locum de Radyng facienda, de impreſſione "et circumſcriptura quas dictus. — Abbas declarabit, etc. — T. I. "de Shardiche apud Weſtm xvii die Nov. regni noſtri xii." But in the eighteenth of his reign, we find the ſtandard of gold coins was the old ſtandard or ſterling of twenty-three carats three grains and

and a half fine, and half a grain allay. And for the ſilver coins, the old ſterling, of eleven ounces two penny-weight fine, and eighteen penny-weight allay. The ſame in the twentieth, twenty-third, twenty-ſeventh, thirtieth, forty-ſixth of his reign. In the eighteenth year, every pound weight of gold of this ſtandard was to be coined into fifty florences, at ſix ſhillings a-piece, which made in tale fifteen pounds, or into a proportionable number of half and quarter-florences. This was by indenture between the king and Walter de Dunflower, maſter and worker. Theſe florences were ſo called from the Florentines, who (in the year 1252) firſt minted ſuch pieces; ſo that Florenus was generally uſed all over Europe for the chief gold coin, as it is now for the beſt ſilver. Fabian calls the floren a penny, the half-floren a half-penny, and the quarter a farthing of gold. And theſe words are often met with in old hiſtories and accompts, applied to ſeveral coins, as reals, angels, etc. where it is to be underſtood by Denarius, the Whole; by Obolus, the Half; and by Quadrans, the Fourth Part or Farthing. In the ſame eighteenth year, a pound weight of gold of old ſtandard, was to contain thirty-nine nobles and a half, at ſix ſhillings and eight pence a-piece, amounting in the whole to thirteen pounds, three ſhillings, and four pence in tale; or a proportionable number of half and quarter-nobles: which was by indenture between the king and Percival de Perche. By this indenture the trial of the pix was eſtabliſhed. Theſe were indiſputably the firſt gold coins, and are ſo beautiful and rare, that they merit the eſteem of medals, being inſcribed, EDWARD. DEI. GRA. REX. ANGL. The arms of France and England quarterly within a roſe (whence called roſe-nobles); the arms ſemé de lis, and not ſtinted to three (as in Edward IV.) Reverſe, a croſs fleuri lioneux; the four lions are paſſant, with the words EXALTABITVR. IN. GLORIA. (fig. 1.) The roſe-noble deſcribed by Mr. Evelyn, is of Edward IV. for the French fleurs de lis were not ſtinted till Henry V's time, nor had they a ſun, but only a croſs on the reverſe. The author of Num. Brit. Hiſt. ſaw a half noble of this prince, which anſwers the deſcription: the king ſtanding in a ſhip crowned, holding a ſword upright in his right hand, and a ſhield on his left, with the arms of France and England quarterly, the arms of France ſemé de lis; three lions paſſant, and three fleurs de lis upon the ſide of the ſhip: EDWAR. DEI. GRA. REX. ANG. Z. FRANC. DNS. II. Reverſe, in a large roſe, a croſs fleuri, with a fluer de lis at each point, and a lion paſſant under a crown in each quarter, the letter E in a roſe in the centre: DOMINE. IN. FVRORE. TVO. ARGVAS. ME. (fig. 5.) It is to be obſerved from theſe famous roſe-nobles, every imaginary half-mark was afterwards called a noble, the moſt early uſe of the word in that ſenſe being in the French king's parole of ranſom, in the thirty-fourth year of this reign. The florens did not much differ from the roſe-nobles in weight; and whether they differed at all in the impreſſion, is uncertain. In 20 Edw. III. a pound weight of gold of the old ſtandard was to make by tale forty-two nobles, at ſix ſhillings and eight pence a-piece, amounting to

fourteen pounds; and a pound of ſilver of the old ſterling was to make twenty-two ſhillings and ſix pence; and Perceval de Perche was maſter. 27 Edw. III. a pound weight of gold, of the ſame ſterling, was to make by tale forty-five nobles, amounting to fifteen pounds; and a pound weight of ſilver, of the old ſterling, to make by tale ſeventy-five groſſes (i. e. groats), amounting to twenty-five ſhillings; or a hundred and fifty half-groſſes, at two pence a-piece; or three hundred ſterlings, at a penny a-piece: Henry Briſſel was maſter and worker. Theſe groats (ſo called becauſe they were the greateſt monies then uſed) exhibit the king full-faced, crowned like the preceding, and inſcribed, EDWARD. D. G. REX. ANGL. Z. FRANC. D. HYB. which laſt title is never wanting on the king's groats. On the reverſe, in a large circle, POSVI DEVM. ADIVTOREM. MEVM (a motto continued by his ſucceſſors to the union of the two kingdoms); in the leſſer circle the place of mintage, viz. London, York, or Calais (fig. 2.) One has CIVITAS. DVNELMIE. There are ſome coins before he aſſumed the title of France, EDWARD. DEI. G. REX. ANGL DNS. HYB. Z. AQVIT. Thoreſby deſcribes one of the pieces, called Luſhbury, cried down by act of parliament, inſcribed EIWANNES. DNS. Z. REVB. reverſe, the croſs and pellets, as the Engliſh money, LVCEBGENSIS. Likewiſe another piece, inſcribed EDWARD. REX. ANGL. under the king's head a lion paſſant: reverſe, DVX. AQVITANIE. a crown in each quarter of the croſs: a moſt rare piece, and to be aſcribed to this Edward, who was not only created duke of Aquitaine in his father's life-time, but alſo crowned king of England (fig. 3.) His penny and half-penny (called ſometimes Mailes) and farthings, were like thoſe of his predeceſſors, but diſtinguiſhed by the name EDWARDVS (fig. 4.) thoſe of Ireland in a triangle. It is remarkable what biſhop Tonſtal obſerved of the gold of this reign, that it came neareſt to that of the ancient Romans, or, that four roſe-nobles weighed an ounce, and were equivalent to the Roman aurei both in weight and fineneſs; and ſix noble-angels made an ounce, which were anſwerable in all points to the old Roman ſolidus aureus. Likewiſe in ſilver coins, that an old ſterling great was equivalent to the Roman denarius; the half-groat to the quinarius; and the old ſterling penny to the ſeſtertius nummus; ſeſtertium (in the neuter gender) a thouſand ſeſtertii, to five pounds ſterling, when three ſhillings and four pence went to the ounce; but now, to ſeven pounds ten ſhillings, according to ſir Thomas Smith's account, when five ſhillings goes to the ounce.



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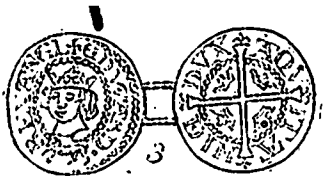

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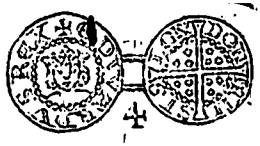

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5

A DISSERTATION ON THE SALIC LAW, AND The Diſpute between PHILIP of VALOIS and EDWARD III.

BY the Salic Law is generally meant at preſent, a fundamental law of the monarchy of France, which excludes the females and their deſcendants from the ſucceſſion to the crown. This is the idea commonly annexed to the term Salic Law. In this ſenſe alſo it is that Bodin ſays, this law was the foundation of the monarchy; Marca, that it was a privilege and cuſtom peculiar to the French; Thuanus, that it was the Palladium of France. I might cite numberleſs French authors, who ſpeaking of the Salic Law, conſider it only as a law relating particularly to the ſucceſſion of the crown of France. This notion is the reaſon that moſt people, verily believing it was never thought otherwiſe ſince the eſtabliſhment of the monarchy, cannot underſtand how Edward III. ſon of a princeſs of France, could with the leaſt colour diſpute the crown of France with Philip de Valois, deſcended from father to ſon from Hugh Capet. But they who reaſon thus are not aware, they take for granted a thing not conteſted indeed at preſent, but which at the time of this famous diſpute was the only point in queſtion between the two kings. Since that point has been decided, the preſent notion of the Salic Law is juſt and certain; but I will venture to ſay it was then doubtful, and this is what I hope to ſhow very clearly.

Bod. de la Rep. lib. i. 8. Marc. de Jur. p. i. c. 28. n. 31. De Thou, lib. cx.

By the Salic Law, Edward, the next male heir of Charles the Fair, was deprived of the ſucceſſion, and the regency, or to ſpeak more properly the crown, was adjudged to a more diſtant relation: it will therefore be neceſſary, for the better underſtanding

underſtanding that proceſs, to know what is meant by the Salic Law, which is in every one's mouth, which ſo few have any knowledge of, and concerning which the French themſelves are not agreed, though they reckon it a fundamental law of their monarchy.

Some, as the famous Jerom Bignon, ſay we are not to look for the Salic Law among records, ſince it is a law of nature, and if there are any nations where it does not take place, they are examples more worthy of wonder than imitation [a]. Some pretend, that Pharamond the firſt king of the Francs, decreed by an expreſs law, that the females ſhould not ſucceed to the crown, which has ever ſince been inviolate. Others attribute this law to Clovis. Mezerai pretends the ſucceſſion of the males to the crown of France was not eſtabliſhed by a written law, but by an inviolable cuſtom. This confuſion of ideas, which makes the Salic Law to be conſidered one while as a law of nature, another while as a poſitive and expreſs law, and ſometimes as a mere cuſtom, renders this matter obſcure, which I ſhall endeavour to clear, in order to give the reader a true notion of the famous conteſt between the two kings.

Bignon. de l'Excel. du Roy. du France, lib. iii. p. 298.

Before the Francs ſettled in that part of Gaul they have ſo long poſſeſſed, they were diſperſed by troops, in Germany and the Low-Countries, whence they received ſeveral names, according to the different countries they inhabited. Some were called Salians, from the river Sala, which ran through the country [b]. Others were diſtinguiſhed by the names of Chamavi, Catti, Attuarians, Ripuarians, or Ribarols. Each of theſe colonies had probably their particular laws as well as thoſe common to all the Francs. The laws of the Salians and Ripuarians are ſtill extant. Among the Salian laws we find this:

"De terra vero ſalica, nulla portio ad MULIEREM tranſit, "ſed hoc VIRILIS SEXUS acquirit."

This law, as it is eaſy to obſerve, concerns private inheritances, and the title de Alodio, under which it is placed, puts it out of diſpute. Accordingly, this is the opinion of numberleſs authors, as well French as others, whoſe names it

[a] One may juſtly ſay, there is no beginning or end of the Salic Law, for it is a law of nature born with men, and not written, as Ariſtotle obſerves, the law of nature and nations is not written. Bignon, l. 3. Rapin.

[b] There are a dozen different opinions about the etymology of the word Salic. That from the Salians, whoſe name is taken from the river Sala, ſeems to me the moſt probable. See Limnæus de Jure Imp. Roman. Germ. l. 1. c. 2. Rapin.

would

would be needleſs to repeat. Mezerai was doubtleſs of the ſame opinion, ſince he ſays, the ſucceſſion of the males to the crown was not eſtabliſhed by any written law. All that can be alledged with any plauſibleneſs, by thoſe who ground the excluſion of the females upon the above-mentioned Salian law, is, that the ſucceſſion to the crown is included in the law, which ſettled the ſucceſſion to the inheritances of the noble families. This opinion is alſo embraced by father Daniel in his hiſtory of France. He pretends, that the rule concerning the ſucceſſion to the crown, is contained in that particular article of the Salian or Salic law, which includes all the laws of the Salian Francs. I ſhall tranſcribe what this able hiſtorian ſays, in the reign of Clovis, as it will ſerve to illuſtrate the notes.

T. 1. p. 7. &c. Edit. d' Amſt. 1720.

"It was then, probably, that Clovis publiſhed the famous Salic law. I am ſenſible moſt of our hiſtorians aſcribe the honour of it to Pharamond; but I follow here the opinion of one of our beſt criticks." [Hadr. de Valois.]

"Many ſpeak and hear of this law without knowing what it is. It is a common notion, that it concerns ſolely or chiefly the ſucceſſion of the males to the crown of France, by determining the qualifications of thoſe who may put in their claim. This notion is wrong in ſeveral reſpects. Of the ſeventy two articles, this law conſiſts of[c], there are but three or four lines of the ſixty ſecond relating to this point. Beſides, they do not particularly concern the ſucceſſion of the males to the crown; but belong in general to all the noble families, whoſe rights they regulate, as well as thoſe of the royal family. The words run thus: As for the SALIC LAND, no part ſhall deſcend to the FEMALE, but all ſhall go to the MALE.

"By Salic land is meant the lands of the nobles of the nation, and moreover, according to ſome, the lands of conqueſt; ſuch were almoſt all thoſe of the French monarchy on this ſide the Rhine. What has chiefly occaſioned the popular notion, was the great diſpute formerly between Philip de Valois and Edward III. king of England —— Beſides that famous conteſt, the little uſe made of this law at preſent, which is ſeldom cited by our lawyers upon other accounts, was the reaſon of the common perſuaſion of its being thus limited. But in reality, it con-

[c] Some editions have more, ſome leſs. Rapin.

tained

" tained numberleſs regulations concerning all ſorts of mat-
" ters.

" I am apt to believe, what we now have of the Salic
" law, is only an abſtract of a larger code, abridged on pur-
" poſe, that the people and judges might more eaſily learn the
" ſubſtance and principal points. What makes me think ſo,
" is, that in the preſent book of the Salic law, the Salic law
" itſelf is quoted with certain forms not to be found in that
" book. —— This moreover leaves no room to queſtion that
" it was at firſt compoſed in the language of the Francs, and
" that afterwards the abſtract was tranſlated into Latin for the
" uſe of the Gauls, to whom it was to be common in ſeveral
" articles, with the Francs. It is this abſtract or abridg-
" ment that has been tranſmitted to us."

Thus we have three different notions given by three learned critics concerning the Salic law, the law I mean which renders women incapable of ſucceeding to the crown. Bignon ſays, it is a law of nature which ought to be common to all nations. According to father Daniel, by the Salic law we are to underſtand, an abridgment of the Salian laws publiſhed by Clovis. As for the particular law ſettling the ſucceſſion to the crown of France, he pretends it is a mere chimera, a vulgar error, and adds, without alledging however any proof, that the excluſion of the females with reſpect to the crown, derives its whole force from that particular paſſage of the Salic code[d], which ſettles the inheritance of the noble families, and conſequently, in his opinion, the inheritance of the family royal, that is, of the crown. According to Mezerai, by the Salic law, or the law that ſettles the ſucceſſion, is meant, not a written law, but an inviolable cuſtom, which is inſtead of a law. To give a diſtinct notion of the matter, I ſhall examine theſe three opinions, and ſhow the objections they are liable to.

Firſt, as to the opinion that ſuppoſes the Salic law, or, which is the ſame thing, the excluſion of the females and their deſcendants from the ſucceſſion to the crown, to be a law of nature; I own, it might with ſome reaſon be maintained, that nature requires ſtates and kingdoms to be governed by men, if the Salic extended no further; but ſince it reaches to the excluſion of the male-heirs of the women of the royal family, methinks nature does not appear in that ex-

[d] Rapin, in expreſſing here father Daniel's opinion, ſeems to make uſe of too ſtrong terms; for it is plain, from that author's own words, that he makes the Salic Law receive part of its force from antient cuſtom, which he even calls inviolable.

tenſion.

tenſion. In the next place, if the Salic law was a law of nature, it would be practiſed in all ſtates, or at leaſt the exceptions, if any, would be very few, but here it is quite otherwiſe. Of all the independent kingdoms of Europe, eſtabliſhed by the northern nations, France alone follows this pretended law of nature. All the other ſtates, Spain, Portugal, Naples, Sicily, Bohemia, Hungary, Swedeland, Denmark, England, Scotland, admit of the female ſucceſſion. Only France then muſt be ſaid to follow nature, and all the reſt of the ſtates to deviate from her law, which to me ſeems abſurd. Wherefore in the third place, the Salic law has all along been deemed, as it is at preſent, a law peculiar to France; and we do not find that Philip le Long, or Philip de Valois ever pretended to urge it, upon any other foot.

As for father Daniel's opinion, whatever eſteem I may have for his hiſtory, which I take to be the beſt of all the French hiſtories, I cannot forbear ſaying, it is not only groundleſs, but improbable. It is eaſy to demonſtrate, that the paragraph of the Salic code, on which he grounds the excluſion of the females and their deſcendents, has no manner of relation to the ſucceſſion of the crown, as will appear, if the whole title under which it is placed, be conſidered. It is the 62d, entitled, de Alodio, which ſettles the inheritance of the Alodial lands. But firſt, it muſt be obſerved, that Alodial lands were lands of inheritance, not held of any other lord. This diſtinguiſhes them from thoſe termed Beneficia, which were diſtributed among the nobles, on condition of perſonally ſerving the ſtate upon certain occaſions, of which women were incapable. Theſe were the lands called Terra Salica, becauſe they were conſidered, as belonging properly to the collective body of the nation, and were held by private perſons, on the ſole condition of ſerving the ſtate. This being ſuppoſed, the whole title of the Salic law, where the paragraph is inſerted, runs thus:

Du Cange Alodis.

TIT. 62. DE ALODE.

Edit. of Pithou.

" 1. Si quis homo mortuus fuerit, & filios non
" ſi pater aut mater ſuperfuerint, ipſi in hæreditate
" dant.

" 2. Si pater aut mater non ſuperfuerint & fratres vel ſo-
" rores reliquerit, ipſi hæreditatem obtineant.

" 3. Quod ſi nec iſti fuerint, ſorores patris in hæredi-
" tem ſuccedant.

" 4. Si

" 4. Si vero ſorores patris non extiterint, ſorores matris " ejus hæreditatem ſibi vendicent.

" 5. Si autem nulli horum fuerint, quicunque proximiores " fuerint de paterna generatione, ipſi in hæreditatem ſucce- " dant.

' 6. De terra autem ſalica, nulla portio hæreditatis mu- ' lieri veniat, ſed ad virilem ſexum tota terræ hæreditas per- ' veniat.'

Hence it appears, I. That the Salic lands were Alodial like the other, that is, were the real patrimony of the poſſeſſor, otherwiſe they would not have been placed here. II. That the deſign of the ſixth paragraph was to diſtinguiſh the Salic, from the common Alodial lands, becauſe the former were liable to military ſervice, which women could not perform. But in that, the ſenſe of the ſixth paragraph muſt, I think, be ſtrangely wreſted, to extend it to the ſucceſſion of the crown, the moſt that can be pretended, is, that the king's own demeſns were ſubject to that law.

But, more fully to ſhow, this article concerns not the ſucceſſion to the crown, it muſt be remarked, there are two original editions of the Salic law, one procured by Herold, the other by Fr. Pithou, and in Pithou, this ſixth article of title 62. is imperfect, there being no more than what is inſerted above. But in Herold's edition, the paragraph runs in this manner.

" De terra vero ſalica in mulierem nulla portio hæreditatis " tranſit, ſed hoc virilis ſexus acquirit, hoc eſt, filij in hære- " ditate ſuccedunt. Sed ubi inter nepotes & pronepotes, poſt " longum tempus, de alode terra contentio ſuſcitatur, tunc " non per ſtirpes, ſed per capita dividantur."

I do not ſee, conſidering the whole paragraph, how it can with the leaſt ſhadow of reaſon, be applied to the ſucceſſion of the crown.

To this may be added, that very probably, when the Salic law was made, the Franes had not yet a king. We not [redacted]ſign of any ſuch thing in the ſeveral articles of [redacted]ut moreover find in the preambles, what makes it [redacted]e Franes were not ſubject to a ſovereign power.

This is the beginning of the Salic law, according to Herold's edition.

IN

IN CHRISTI NOMINE.

Incipit pactus legis ſalicæ.

" Hi autem ſunt qui legem ſalicam tractaverunt, Wiſa-
" gaſt, Arogaſt, Salegaſt, & Windogaſt, in Bodham, Sale-
" ham, & Widham."

According to the other edition.

Incipit tractatus legis ſalicæ.

" Gens Francorum inclyta, auctore deo condita, dum ad-
" hæc ritu barbarico teneretur, inſpirante deo, inquirens ſci-
" entiæ clavim, juxta morum ſuorum qualitatem, deſiderans
" juſtitiam, & cuſtodiens pietatem, dictavit ſalicam legem,
" per proceres illius gentis, qui tunc temporis, ejuſdem ade-
" rant rectores. Electi de pluribus viri quatuor, his nomi-
" nibus, Wiſogaſtus, Bodogaſtus, Sologaſtus, & Wodo-
" gaſtus, in locis cognominatis, Soleheim, Bodoheim, &
" Widoheim, qui per tres mallos [e] convenientes, omnes cau-
" ſarum origines ſollicite tractantes, diſcutiendo de ſingulis,
" ſicut ipſa lex declarat, judicium decreverunt hoc modo.
" At ubi, deo favente, rex Francorum Clodovæus, florens &
" pulcher, & inclytus, primus recepit catholicum baptiſmum,
" & deinde Childebertus & Clotarius, in culmen regale, deo
" protegente, pervenerunt, quicquid in pacto [f] habebatur
" minus idoneum, fuit per illos lucidius emendatum & ſanctius
" decretum. Vivat qui Francos diligit, &c."

In all likelihood, this preamble was placed before the Salic law, between the reigns of Clothaire II. and Charlemain, and perhaps before the time of Dagobert, ſince he is not mentioned, though he made ſome alterations in this law, as well as Clothaire and Childebert.

Another preamble made in the time of Charlemain.

PROLOGUS LEGIS SALICÆ.

" Placuit atque convenit inter Francos [illegible] proceres,
" ut propter ſervandum inter ſe pacis ſtudium, omnia incre-
" menta veterum rixarum, reſecare deberent, & quia cæteris

[e] That is, Public Aſſemblies. Rapin.

[f] That is, in the law called, Pactus Legis Salicæ. Rapin.

" gentibus

" gentibus juxta ſe poſitis, fortitudinis brachio præeminebant,
" ita etiam legum auctoritate præcellerent, & juxta qualita-
" tem cauſarum, ſumeret criminalis actio terminum. Exti-
" terunt igitur inter eos, electi de pluribus quatuor viri, his
" nominibus, Wiſogaſtus, Bodogaſtus, Salogaſtus, & Wido-
" gaſtus, in villis quæ ultra rhenum ſunt, Saleheim, Bodo-
" heim, & Widoheim, qui per tres mallos convenientes, om-
" nium cauſarum originem ſollicite diſcutiendo, tractantes de
" ſingulis, judicium decreverunt hoc modo."

EX CODICE. M. S.

" Marchomiris quoque dedit Francis id conſilium, & ele-
" gerunt Faramandum ipſius filium & levaverunt in regem
" ſuper ſe crinitum. Tunc habere leges cœperunt, quas
" eorum proceres gentilis tractaverunt, his nominibus Wi-
" ſogaſtus, Arogaſtus, Salogaſtus, in villis quæ ultra rhenum
" ſunt, in Botagin, Selecagin, Widecagin.

" Anno ab incarnatione domini noſtri Jeſu Chriſti
" DCCXCVIII, dominus Carolus rex Francorum incly-
" tus, hunc libellum tractatus Legis Salicæ ſcribere juſſit."

What likelihood is there, that, if the authors of theſe prefaces believed the Francs had a king when the Salic Law was made, they ſhould not have mentioned him? For as to the abſtract of the chronicle, it is a ſeparate piece, added by the author of the laſt preface, as treating of the ſame ſubject. But if the Francs had not a king, how can the ſixth paragraph of the ſixty ſecond title be applicable to the ſucceſſion of the crown of France?

Another objection to father Daniel's opinion is this: ſuppoſing the article, de terra vero Salica, concerned the ſucceſſion to the crown, as well as private inheritances; if it be true, that this law was abrogated under the third race of the kings of France, with reſpect to the Salic lands or great fiefs, it may, I think, be inferred, that it was alſo annulled with regard to the crown. But the thing ſpeaks it ſelf, ſince it cannot be denied, that the dukedoms, earldoms, in a word, all the great fiefs of the crown, deſcended to the females. Normandy, Guienne, Ponthieu, and Montrevil, fell to the kings of France by the women. It was the ſame with the earldom of Toulouſe, Provence, and Bretagne. The ſucceſſion of the earldom of Flanders always devolved to the next heir, without any preference of ſex, ſince the time of Charles the Bald. All theſe examples actually ſubſiſted at the time of Lewis Hutin's death, when the Salic Law began

Hiſtory of the earls of Flanders at the Hague. 1698.

for

for the firſt time to be urged in favour of the males. There were large portions of the Salic lands fallen to women, purely by right of inheritance. Where was then the obſervance of the article, "De terra vero Salica nulla portio ad mulierem "tranſit?"

There ſeems to me to be but two ways of anſwering this [illegible] by ſaying the Salic lands, or great fiefs of the crown, deſcended to the women, only when there was no [illegible] family. But this reply has no foundation. [illegible] been ſaid concerning the earldom of Flanders [illegible] time of Philip de Valois, Artois was adjudged [illegible] to the prejudice of Robert d'Artois, grandſon [illegible] of the laſt duke; and the duchy of Bretagne, to the wife of Charles de Blois, though earl Montfort, brother of the late duke, was alive. But, ſuppoſing this law was not annulled when Hugh Capet came to the crown, it was at leaſt abrogated by that prince, in granting in fee to the nobility the great fiefs, without excluding the females.

The other way of anſwering the objection, is by aſſerting, that though the law was repealed as to the Salic lands, it was not ſo with regard to the ſucceſſion of the crown, where it was always inviolable. But how can a law be ſuppoſed to be abrogated in the undoubted ſenſe of the words, and remain in force in a diſputable ſenſe, which is taken for granted without the leaſt proof? Beſides, I ſhall make appear hereafter, there had never been any occaſion to break it.

A third objection againſt father Daniel's opinion, may be taken from his own preface to the hiſtory of France. This able hiſtorian maintains, article III. that the crown, after being hereditary in the firſt race, became elective in the ſecond, and was hereditary in the third, only by way of aſſociation practiſed by the firſt kings of that race, from Hugh Capet to Philip Auguſtus. If ſo, where ſhall we find the obſervance of the Salic Law, with reſpect to the crown, from Pepin the Short to Lewis VIII? How could it ſubſiſt in an elective kingdom, where it was in the power of the great men to give the crown to whom they pleaſed, and even to chuſe kings not of the royal family, as for inſtance, Hugh and Eudes? Hear what father Daniel ſays of this matter.

The laſt page of the preface.

"It is extremely probable, that Hugh Capet [illegible]ing con-
"firmed the dukes, earls, and other lords in their uſurpa-
"tions, not only for themſelves, but their poſterity, obtain-
"ed likewiſe from them the eſtabliſhment of the hereditary
"ſucceſſion to the crown in his family. But, as he miſtruſt-
"ed their levity, he aſſociated his ſon Robert, Robert did

"the

" the ſame by his ſon Henry: and the cuſtom of aſſoci-
" ating laſted till Philip Auguſtus, who thinking hereditary
" right ſufficiently eſtabliſhed by the ſucceſſion of ſeveral of
" his predeceſſors, from father to ſon, down to Hugh Capet,
" and whoſe reigns for the moſt part were very long, never
" troubled himſelf to aſſociate Lewis VIII. his ſon."

I ſhall now examine Mezerai's opinion, and theirs who with him believe the Salic Law, that is, the excluſion of the females and their deſcendants, to be founded only upon an inviolable cuſtom. But it will be neceſſary in the firſt place to remove all ambiguity in the term Cuſtom, for by that may be meant either a Negative, if I may be allowed that expreſſion, or a Poſitive Cuſtom. I call a Negative Cuſtom, that to which no inſtance to the contrary can be alledged, and which however does not form or eſtabliſh any right. For example, there never was in England a lame or a one-handed king: now let it be affirmed as ſtrongly as you pleaſe, that this is a cuſtom that never was violated; if unfortunately the only ſon of a king of England ſhould become lame, or happen to loſe a hand, would this be a good reaſon to exclude him from his father's ſucceſſion? It is the ſame with the inviolable cuſtom of France, taken in this ſenſe: becauſe there never was in France a queen that wore the crown by her own authority and right, it does not neceſſarily follow that the females have no right to the ſucceſſion; as it cannot be ſaid in England, that a lame or a one-handed man cannot mount the throne, becauſe in that country there never was a lame or a one-handed king. I call a Poſitive Cuſtom, that which is grounded upon ſome law, or at leaſt upon examples and precedents, which demonſtrate it to have been inviolably practiſed, and to have ſerved for rule on certain occaſions. Of ſuch a cuſtom Mezerai muſt be underſtood to ſpeak, ſince he confounds it with the Salic Law, and endeavours to produce an inſtance of its practice. The queſtion then is, to know whether there was in France any ſuch poſitive cuſtom before the reign of Philip le Long, who in ſupport of his right pleaded the Salic Law, whether he thereby meant the paragraph of the Salic Code above-mentioned, or an inviolable cuſtom. But where are the authors that ſpeak of it? Is it not ſtrange, that for nine hundred years, from Pharamond to Philip le Long, this inviolable cuſtom, which ſerves for fundamental law to a great kingdom, ſhould not be mentioned by a ſingle author? I believe I may give this for certain fact (though I have not read all) becauſe it appears to me impoſſible that of ſo many learned men, who, from the time of Philip le Long, to this day, have diligently ſought after

proofs in defence of the Salic Law, not one should have been so happy as to discover in the ancient authors any passages favouring, or at least alluding to, this written or unwritten law. Of all the testimonies alledged, there is not one but what is later than the reign of Philip le Long [g]. I am well aware this objection has already been answered, by affirming that Marculphus, who lived in the middle of the seventh century, mentions the Salic Law in his Formularies. But this is a fallacy. Nobody ever pretended to dispute the existence of the Salic Law, if thereby is meant the Salian or Salic Code in general. But the business is to prove the existence of this particular law, called the Salic Law, whereby women and their descendants were deprived of the right of succeeding to the crown, before the reign of Philip le Long. Marculphus mentions the former in several places of his Formularies, but says not a word of the latter, which is the point in question. It remains therefore, that this unwritten law, this inviolable custom, is to be founded upon examples and precedents, by which it was established, or at least confirmed; otherwise there is no knowing what to think of it. It should therefore be shown, that before the reign of Philip le Long, there were instances of women and their descendants being excluded from the crown by virtue of the Salic Law, or inviolable custom: and this is what remains to be examined.

g Rapin must have overlooked a passage in father Daniel's History, quoted from Agathias, expressly mentioning this law. The passage is likewise alledged by Fauchet and Du Chesne. Agathias, the scholastic or lawyer, lived in the sixth century, and began to write the Continuation of Justinian's History after Procopius, in 565. This author, at the end of chap. 7. lib. ii. says, "Whilst these things passed, Theobald, "who ruled in France over the provinces "next to Italy, died in the flower of "his youth.—Childebert and Clotaire, "as his nearest relations, were, by the "Law of the Country, called to the "succession of his kingdom." By the Law of the Country then, Theobald's two sisters were excluded from the right of succeeding him. As for Childebert's daughters, Agathias continues thus: "But the disputes about the division "had like to ruin their dominions. "Childebert, besides his extreme old "age, languished with an incurable "disease: he had only daughters, and "no male issue who might inherit the "crown." These last words seem to be a demonstrative proof, that it was then univer[illegible] that the daughters of Fra[illegible] excluded from the [illegible] to the crown. [illegible] this to favour Clot[illegible] his brother Childe[illegible] of his nieces, for he was [illegible] Asia, and lived very remote from [illegible]. He was contemporary with [illegible]

h There [illegible] to say, Their Descendants. [illegible] two different questions; the [illegible] properly the point in hand, [illegible] the daughters [illegible] excluded from the crown [illegible] which has nothing to do [illegible] Whether the sons of those daug[illegible] exclude from the [illegible] The forme[illegible] mentioned by A[illegible] foregoing note.

To begin with the third race: from Hugh Capet to Philip le Long, no ſuch caſe could happen, for the kings of that family ſucceeded from father to ſon.

In the ſecond race it is not poſſible to find any inſtance in favour of the Salic Law, or inviolable cuſtom. On the contrary, a precedent might be brought in favour of the females, from divers princes deſcended from Charles the Great by the female line, dividing the French monarchy, and poſſeſſing ſeveral parts of his ſucceſſion. But as this was at a time when there were only two princes alive of that emperor's family, namely, the emperor Arnold, who was a natural ſon, and Charles the Simple, who might alſo be deemed as ſuch, I ſhall not inſiſt upon it.

The firſt race affords three precedents, which may favour the cuſtom in queſtion. The daughters of Childebert I. king of Paris, ſucceeded not their father, but Clotaire I. their uncle poſſeſſed his brother's kingdom. Shortly after, Cherebert king of Paris dying without male iſſue, Gontran, Sigebert, and Chilperic, his brothers, ſhared the ſucceſſion, without leaving any part to his daughters. Gontran having but one daughter, left his kingdom to Childebert II. his nephew. If it could be ſhown that all this was done in conſequence of the Salic Law, or inviolable cuſtom, thoſe precedents would amount to the ſtrongeſt proofs. But unhappily, not a ſingle writer before Philip le Long, ſpeaks on this occaſion of the Salic Law or cuſtom. It is true, Mezerai, who wrote twelve hundred years after, boldly affirms that Clotaire ſucceeded his brother by virtue of the Salic Law, and that this is the firſt inſtance of the obſervance thereof. But in relating the fact, he ſays Clotaire impriſoned his nieces [i], for fear they ſhould diſpute with him their father's ſucceſſion. The ſame thing happened in the ſucceſſion of Cherebert: his brothers uſed force to ſeize his kingdom, without alledging the Salic Law to ſupport their right [k]. Accordingly preſident Fauchet, convinced of the violence

i Gregory de Tours, a contemporary, ſays only he baniſhed them, with their mother; and father Daniel makes them not to be baniſhed till ſome time after [illegible] death, when Chramne, ſon of Clotaire, rebelled againſt him. Mezerai's words are, "Their uncle, whether in hatred of their father, or for fear of their pretending to the ſucceſſion, kept them in priſon [illegible] was poſſeſſed of the kingdom." This alternative of doubt is only a conjecture of Mezerai for Clotaire ſeems to have acted rather out of hatred to his brother, than from political views.

k This does not ſeem to agree with what Rapin ſays in the Hiſtory of the Church of Kent, where he repreſents Chilperic, who ſucceeded his brother Cherebert, as behaving like a father to his brother's daughters, and refuſing to marry Bertha, one of them, to Ethelbert king of Kent, becauſe he was an idolater.

lence practiſed on theſe two occaſions, gives up theſe two precedents [l], and confines himſelf to the third, which is the moſt ſpecious. Gontran having but one daughter, adopted Childebert II. his nephew, and left him his kingdom. But this daughter was a nun [m]. Beſides, from Gontran's believing it in his power to leave his ſucceſſion entire to Childebert II. without giving any ſhare to Clotaire II. who was alſo his nephew, and Childebert's brother [n], it may it ſeems be inferred, that he did not look upon himſelf as bound by any law, and that there was not then any ſettled rule with reſpect to the ſucceſſion [o]. It will be ſaid, perhaps, that in appointing Childebert,

idolater. Now Chilperic, had he thought ſhe had any reaſon to claim her father's dominion, ſhould have been glad of ſo fair an opportunity to ſend away his [illegible] and it does not appear that he uſed any violence upon them, or impriſoned them, as Rapin inſinuates.

[l] Rapin does not quote Fauchet, ſo it is to be ſuppoſed he alludes to what this author ſays in his treatiſe De l'Origine des Dignitez, etc. lib. i. cap. 2. where he gives the reaſons why the daughters of France are excluded: "I "forbear, ſays he, to ſpeak of the "daughters of Childebert I. king of "Paris; for it may be ſaid, their "uncle Clotaire was ſo ſtrong, that it "was eaſy for him to ſhut them up in "a cloiſter. Much leſs ſhall I ſpeak of "thoſe of Cherebert, alſo king of Paris, "becauſe it will be ſaid, their uncles "did not treat them more civilly. But "what can be objected to what Gon"tran did to Clotilda his own daugh"ter?" etc. In this paſſage Fauchet does not ſeem abſolutely to give up the two firſt precedents, but only thinks them liable to the objections he mentions. For he urges them both as enemies of the excluſion of the daughters, in ch. 12. lib. iii. Des Antiquitez, etc.

[m] This does not ſeem to be a convincing reaſon why Gontran ſhould diſpoſſeſs a daughter he entirely loved. For if Gontran thought his daughter could have the leaſt ſhadow of right to ſucceed him, would he have made her a nun? ſo that her being a nun is rather a ſtrong preſumption that the daughters could not ſucceed to the crown. But it may be ſaid, was ſhe not a nun before her father adopted Childebert his nephew? Now this ought to be proved indeed, to make Rapin's argument of any force: but the contrary is moſt probable. For Mezerai ſays, Gontran was not married till his acceſſion to the crown in 561. Now ſuppoſing Gontran married Clotilda's mother the firſt year of his reign, ſhe was too young to receive the veil in 577, when he adopted his nephew Childebert. Beſides, in a treaty with his adopted ſon, an article is inſerted, "That "whatever is granted by king Gontran "to his daughter Clotilda, whether "moveables, cities, lands, and reve"nues, ſhall remain in her poſſeſſion." Such grants do not ſeem fit for a nun, though a princeſs. Now this treaty, as Fauchet ſays, was made in 587, that is, ten years after his making Childebert his univerſal heir. But after all, ſuppoſing ſhe was a nun before Childebert's adoption, would not Gontran, upon the death of his ſons, inſtead of adopting a nephew, have procured a diſpenſation for a beloved daughter, if the Salic Law would have allowed it? So that Clotilda's being a nun [illegible] weaken the argument drawn [illegible] in favour of the S[illegible].

[n] Rapin is miſtaken [illegible] Childebert to be elder [illegible] of Clotaire to. They [illegible] mans, ſons of two [illegible] Sigebert king of [illegible] of Chilperic, king [illegible] his remark, that [illegible] privilege, etc. is [illegible] here.

[o] Does not the [illegible] to be inferred from [illegible] duct, that he did [illegible] by the law or cuſtom excluding the females from the crown, and knew the ſucceſſion

debert, the eldeſt of the two brothers, for his ſucceſſor, he only followed the diſpoſition of the law or cuſtom; but this objection is groundleſs [p]. The whole hiſtory of the firſt race plainly ſhows the eldeſt had no privilege, and that the kingdoms, of which the French monarchy then conſiſted, were always divided among the brothers [q]. But be that as it will, it is not ſufficient to ſhow that Gontran did a thing agreeable to the pretended diſpoſition of the Salic Law or cuſtom; it muſt alſo be proved that he did it with intention to obſerve that cuſtom or law, which I think impoſſible [r]. It would be quite another thing if the law was perfectly known, or the cuſtom undeniably eſtabliſhed by former precedents, which might give room to ſuppoſe Gontran deſigned to conform himſelf to it [s]. If a man examines what paſſed during the firſt race, with reſpect to the ſucceſſion, he will find nothing fixed or ſettled upon that head; and that force and arms had a greater ſhare in it than laws. This is ſo true, that it is even doubtful, according to father Daniel, whether the children were to be preferred to the brothers; and that this queſtion was not fully decided till long after the beginning of the ſecond race [t]. It is evident then, from what has been ſaid, that the opinion that there was in France, before the reign of Philip le Long, a law or cuſtom excluding the daughters from the ſucceſſion to the crown, cannot be ſupported by any certain teſtimony, or undeniable matter of fact.

Having ſhown what we are to underſtand by the Salic Law, of which ſo many people talk without having a juſt notion of the thing, it will be neceſſary, in order fully to clear this matter, to ſhow how the practice of this law was eſtabliſhed

ſucceſſion to be ſo ſettled in an inviolable manner; otherwiſe it is incredible that he ſhould not do what lay in his power to leave his dominions to his only beloved daughter.

[p] That this objection is not altogether without foundation is certain, from the paſſage of Agathias in note [s], above.

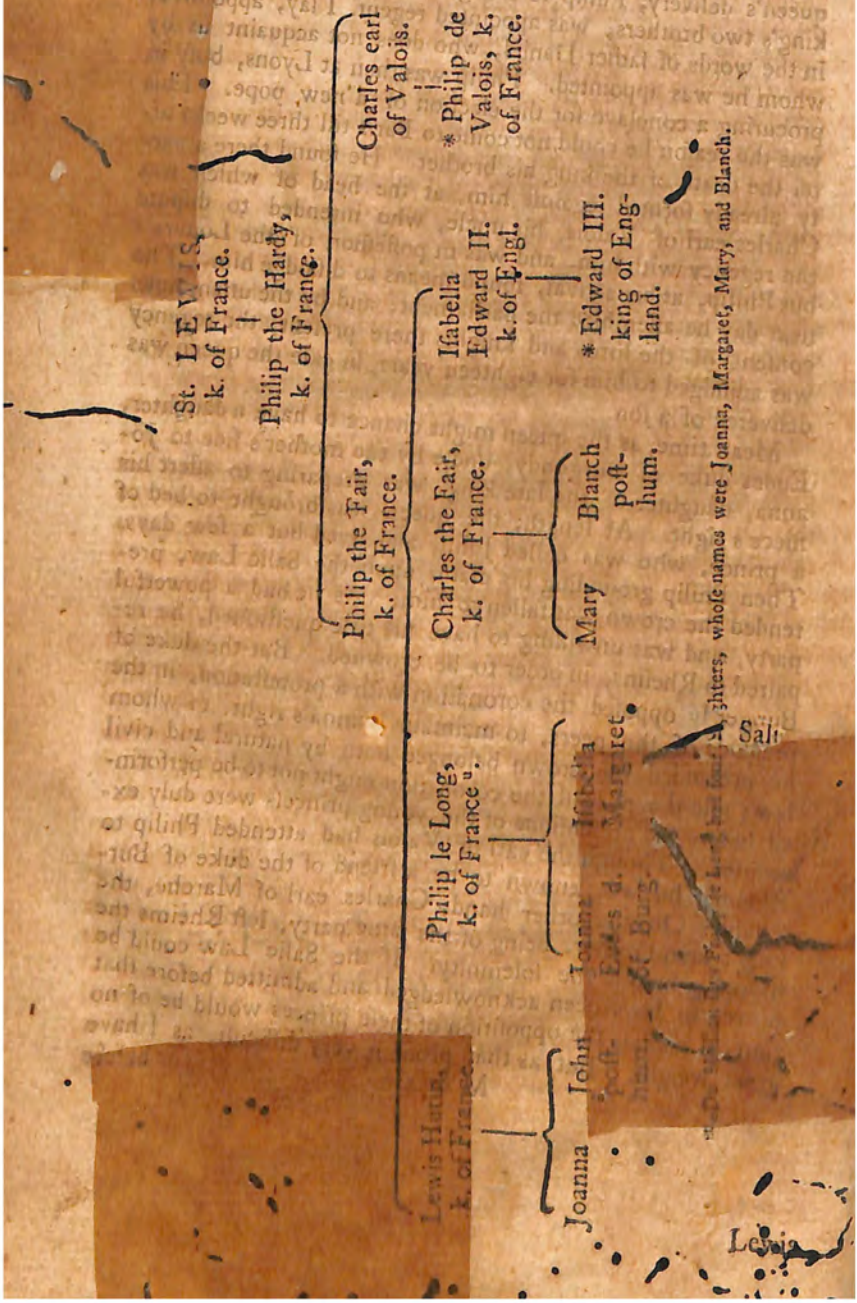
[q] Rapin did not ſeem to be of the opinion, that the ſucceſſion was divided among all the brothers, in the Diſſertation on the Government of the Saxons. Neither indeed was it true, as appears in a citation from Mezerai, in the ſame Diſſertation.

[r] As Gontran himſelf ſucceeded to part of his brother's ſucceſſion, in excluſion of his three nieces, Chereberts daughters, it is more than probable, that he adopted his nephew in excluſion of his daughter, in conſequence of the ſame law or cuſtom by which he was preferred to his neices.

[s] We have for it the authority of Agathias, who ſpeaks of it in expreſs terms; and the treaty between Gontran and Childebert, where it is ſuppoſed, and made the foundation of their agreement. Be[illegible], this law or cuſtom is to be conſidered as unqueſtionably eſtabliſhed before Gontran diſpoſed of his dominions, in prejudice of his own daughter, ſince there were three examples in fifteen years: 1. The excluſion of Theobald's ſiſters in 555. 2. Of Childebert's two daughters in 558. 3. Of Chorebert's three daughters in 570.

[t] There were conteſts between brothers and couſins concerning the ſucceſſion; but it does not appear that the excluſion of the daughters was uncertain or doubtful.

in France. But for the better underſtanding of this, it will be proper to ſet before the reader the following part of the genealogy of the kings of France, which will ſerve likewiſe to explain the occaſion of the diſpute between Edward and Philip de Valois.



Lewis Hutin dying in 1316, left by Clemence of Burgundy, his wife, only one daughter, an infant, called Joanna. But as his queen was big with child, the crown was not diſpoſed of till ſhe was delivered. The reaſon of the delay was becauſe if the queen was delivered of a ſon, he was to ſucceed his father, not by virtue of the Salic Law, but by a law common to all ſtates, according to which the males have always the preference to the females of the ſame degree. Till the queen's delivery, Philip le Long, the eldeſt of the deceaſed king's two brothers, was appointed regent. I ſay, appointed, in the words of father Daniel, who does not acquaint us by whom he was appointed. Philip was then at Lyons, buſy in procuring a conclave for the election of a new pope. This was the reaſon he could not come to Paris till three weeks after the death of the king his brother. He found there a party already formed againſt him, at the head of which was Charles earl of Valois, his uncle, who intended to diſpute the regency with him, and was in poſſeſſion of the Louvre: but Philip, at his arrival, found means to diſlodge him. The next day he aſſembled the parliament, and by the unanimous conſent of the lords and knights there preſent, the regency was adjudged to him for eighteen years, in caſe the queen was delivered of a ſon.

Mean time, as the queen might chance to have a daughter, Eudes duke of Burgundy, uncle by the mother's ſide to Joanna, daughter of the late king, was preparing to aſſert his niece's right. At length, the queen was brought to bed of a prince, who was called John, and lived but a few days. Then Philip grounding his claim upon the Salic Law, pretended the crown was fallen to him. As he had a powerful party, and was unwilling to have his title queſtioned, he repaired to Rheims, in order to be crowned. But the duke of Burgundy oppoſed the coronation with a proteſtation, in the preſence of the peers, to maintain Joanna's right, to whom he pretended the crown belonged both by natural and civil law; and that at leaſt the coronation ought not to be performed before the pretenſions of the young princeſs were duly examined. Though the earl of Valois had attended Philip to Rheims, he was known to be a friend of the duke of Burgundy. On the other hand, Charles earl of Marche, the king's own brother, being of the ſame party, left Rheims the morning before the ſolemnity. If the Salic Law could be proved to have been acknowledged and admitted before that time, I confeſs the oppoſition of theſe princes would be of no great weight. But as that proof is very difficult, as I have

before ſhown, it may be inferred from the oppoſition of the princes of the blood themſelves, and contrary to their own intereſts, that this law paſſed not then for inconteſtable.

The duke of Burgundy's proteſtation, and prince Charles's retreat, made Philip ſo uneaſy, that he ordered the gates of Rheims to be ſhut during the ceremony of the coronation, for fear of interruption, or that other peers might abſent themſelves. A few days after, he held an aſſembly at Paris, where were preſent a great number of nobles, almoſt all the prelates, the moſt conſiderable burgeſſes of Paris, and the univerſi[illegible]. It was this aſſembly that examined the laws of the ſtate, decided that the females were incapable of ſucceeding to the crown, and approved and confirmed the king's coronation. It might be demanded, whether that aſſembly had power to make ſuch a deciſion, but ſince the French nation has thought fit to receive it, it is needleſs to inſiſt upon that. I ſhall only obſerve, that it was now almoſt nine hundred years ſince the eſtabliſhment of the monarchy, and this the firſt time it was expreſsly decided in France, that the daughters were incapable of ſucceeding to the crown.

Dan. Hiſt. de France.

Notwithſtanding the deciſion, queen Clemence, widow of the late king, the earl of Marche the king's brother, the earl of Valois his uncle, the duke of Burgundy prince of the blood, and their adherents, did not fail to ſhow a diſſatisfaction at ſeeing Philip on the throne. This created uneaſineſs in the new king, who, to free himſelf from it, found means to gain the duke of Burgundy, the head of the party, by giving him his eldeſt daughter in marriage, with the earldom of Burgundy for her portion. The duke being thus gained, the party diſperſed, and the Salic Law paſſed, from thenceforward, for a law as ancient as the monarchy. But great care was taken to confound, as has been done ever ſince, the Salic law in general, or the collection [illegible] Laws, with the pretended Salic Law in particular, which excluded the daughters from ſucceeding to the crown.

Philip le Long being dead, after a ſhort reign [illegible] only daughters, Charles the Fair his brother, [illegible] throne without oppoſition, to the prejudice of [illegible] This was a ſecond deciſion in favour of the [illegible] that time none ever thought of queſtioning the [illegible] the Salic Law. Thus was eſtabliſhed the obſer[illegible] famous law in France, without its being yet known, whether Philip le Long, in urging it in ſupport of his [illegible] proceeded upon the ſixth paragraph of the 62d [illegible] Salic Law, or upon inviolable cuſtom. What may be [illegible]

ed, is, that in thoſe days the French muſt have had very confuſed notions concerning this law, ſince even after its being inconteſtably acknowledged for authentic, the moſt learned cannot agree upon that ſubject.

I come now to the famous diſpute between Philip of Valois and Edward III. Charles the Fair, who died February 1328, leaving no male-iſſue, and his queen finding herſelf with child, the ſame rule was followed as was obſerved after the death of Lewis Hutin. That is, the crown was not diſpoſed of, till the queen's delivery, who was ſeven months gone with child. But it was neceſſary to appoint a regent, to take care of the government in the mean while. Then it was that the great conteſt about the regency aroſe, between Edward III. nephew by his mother, to Charles the Fair, and Philip earl of Valois, couſin german to the ſame prince. This was an affair of very great conſequence. Beſides that the regency was to be long, in caſe the queen was delivered of a ſon, it was eaſy to foreſee, that the judgment given for the regency, would be a ſtrong precedent for the crown, if ſhe happened to have a daughter. For this reaſon the affair was very warmly conteſted on both ſides, not before the ſtates-general, as ſome have affirmed without any foundation, but before an aſſembly of great men, purpoſely convened upon that occaſion. Edward pleaded his being the next male-heir of the late king. Philip adhered to the Salic Law, which, according to him, excluded not only the daughters, but alſo their deſcendants, from the ſucceſſion to the crown, and conſequently from the regency. Philip carried the cauſe as to the regency, and was afterwards crowned, upon the queen's being delivered of a daughter in April. As Edward endeavoured not to proſecute his right till ſome years after, the queſtion between them was no longer concerning the regency, but the crown itſelf. All the French hiſtorians call Edward's pretenſions chimerical, and the Engliſh, on their part, exclaim againſt the injuſtice that was done him. The buſineſs therefore at preſent is to examine the rights of both parties, independently of the events, and Philip's poſſeſſion. This will be the only means to enable us to judge, whether the war occaſioned by this affair, was juſt or unjuſt, or whether, as I believe, there was on both ſides, ſufficient reaſon to juſtify the attack and the defence.

In order to have a clear notion of the matter, it muſt be conſidered, that the point in queſtion between the two kings, was not, whether there was any ſuch thing as a Salic Law, excluding the daughters from the ſucceſſion to the crown of France;

France; whether the law was real, or only imaginary, it was equally the intereſt of both kings to ſuppoſe it, ſince it was the ſole foundation of their reſpective claims. Without this law, the crown would have indiſputably belonged to Joanna daughter of Lewis Hutin, and the two laſt kings muſt have been reckoned uſurpers. Moreover, had there been no Salic law, Philip and Edward would have been manifeſtly excluded by the daughters of the three laſt kings, ſons of Philip the Fair. The only thing therefore was to know, whether the Salic Law was limited to the perſons of the daughters, to exclude them from the ſucceſſion, or whether it extended to all their poſterity. This was a new query, which had never been decided, becauſe the ſame caſe had never happened, ſince the beginning of the monarchy. Philip maintained, that Edward could pretend to the crown but by right of repreſentation, as ſon of Iſabella, and that repreſenting only a woman, he could not derive from his mother a right which ſhe had not. But Edward took care not to ground his claim upon repreſentation. He inſiſted on the contrary, upon nearneſs of blood, and affirmed, that the crown was devolved to him, as the next male-heir capable of ſucceeding.

Indeed, it cannot be conceived what uſe he could have made of repreſentation, which ſerves only to put a diſtant relation in the place of the perſon repreſented. He had no occaſion to be brought nearer, ſince he was nephew of the late king, and Philip de Valois but couſin-german. Accordingly, in all the pieces in the Collection of the Public Acts concerning this matter, there is not ſo much as one, where he alledges in his behalf the right of repreſentation, but always that of nearneſs of blood. And yet almoſt all the French authors that have writ on the ſubject, have been pleaſed to combat this chimæra, and ground their reaſonings upon the impertinency of the repreſentation, which, after all, was never urged by Edward. The Engliſh for their part, have fallen into the like error, by principally oppoſing the exiſtence of the Salic Law, not conſidering, it was no leſs neceſſary for Edward than for Philip. So that both ſides have miſunderſtood the queſtion, and diſputed wrong.

But to prevent miſtakes, and elude the matter as much poſſible, a man muſt imagine himſelf [illegible] diſpute, and conſider that the point in queſtion was never decided. Each therefore was at liberty to explain and comment upon the Salic Law, as he thought fit for his purpoſe, without being liable to be taxed with [illegible]

Whereas now it would be ridiculous to diſpute upon the interpretation of a law acknowledged by the French, and admitted, as then explained by Philip, and which they have ever ſince followed.

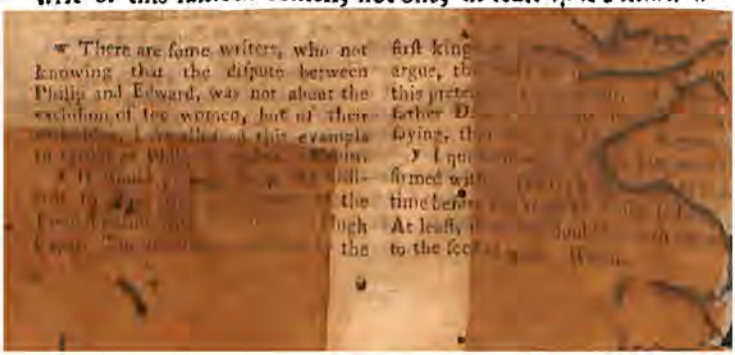
That being ſuppoſed, the buſineſs then, in order to decide the new query, was, fully to underſtand the meaning of the Salic Law, concerning which there was reaſon, as I have ſhown, to doubt, whether it ever exiſted. But ſuppoſing its exiſtence, the deciſion was to be either according to the paragraph of the Salic Code, De Terra vera Salica, &c. which did not clear up the point, or according to the inviolable cuſtom obſerved in France for nine hundred years, though there had never been occaſion to put it in practice. Upon which ever of theſe two foundations a man grounded a judgment, he could not but meet great difficulties. Could he ſay, that by the paragraph De Terra Salica, it was plain, the male-iſſue of the daughters, were to be excluded from the ſucceſſion to the crown? was it evident that this law, ſo long diſuſed, with reſpect to the Salic Lands, and the eſtates of the nobles, had preſerved its full force with regard to the crown? on the other hand, if a man grounded his judgment upon cuſtom, what method could he take to know whether it was the intent of the firſt eſtabliſhers, whoever they were, to exclude from the ſucceſſion the male-heirs of the daughters, as well as the daughters themſelves? He could have no precedents or examples to direct him, ſince the ſame caſe had never happened. It is therefore raſhneſs, in my opinion, abſolutely to decide now againſt either of the two contending princes, and more ſo, peremptorily to pronounce the pretenſions of either to be extravagant. That is the more unjuſt, as they both ſupported their claims by very ſpecious reaſons, the ſubſtance whereof I am going to relate; if ſo be, that part of theſe reaſons have not ſince been fathered upon them.

Edward maintained, that what had hitherto been decided concerning the Salic Law, regarded only the perſons of the daughters, and could not be extended to their male-iſſue, without proving it to be the intent of the law. But this was impoſſible, conſidering the time between its eſtabliſhment, and the firſt occaſion of putting it in practice. That indeed, the excluſion of the daughters was built on very plauſible reaſons, taken from the weakneſs of their ſex, and the temper of the French nation, which would never venture to be governed by a woman; but that theſe reaſons could not be alledged againſt their ſons. That formerly, among the Oſtrogoths of Italy, who obſerved the ſame cuſtom, there was a like

like inſtance, which plainly ſhowed, that the excluſion of the daughters might ſubſiſt without that of their male-heirs. That after the death of Theodoric, Amalazonta his daughter, did not ſucceed him, becauſe ſhe was a woman; however, that did not hinder Athalaric her ſon, though an infant, from being placed on the throne of his grandfather [w]. He farther added, that the Salic Law was an extraordinary law, contrary to the law civil and natural, for which reaſon it was to be confined within juſt bounds, rather than extended, as if the women of the royal family were to be puniſhed for ſome great crime, which deſervedly drew down vengeance on all their poſterity. If the French believed women unworthy, or unfit to govern them, he pretended not to oppoſe that law. But what had the princeſſes of the blood done to deſerve, that all their poſterity ſhould ſuffer a puniſhment, from which the daughters of the peers, and the other great men of France were exempted, as well as their deſcendants? Finally, in explaining the Salic Law, ſo as to deprive the male-iſſue of the women of a natural right, was to make a new law, under colour of interpreting the old.

Philip replied, that Edward acknowledging the authority of the Salic Law, was much miſtaken in confining the intent of that law, to the hindering the kingdom of France from being governed by a woman. That there was another and no leſs eſſential end, namely, to prevent the crown from devolving to foreigners. That the French nation had willingly ſubmitted to Hugh Capet and his houſe, but never meant to ſubject themſelves to other families, and to receive a foreign king, a new contract was neceſſary [x]. That the intent of the French manifeſtly appeared, in their not conſidering the deſcendants of the princeſſes of the blood, as preſumptive heirs of the crown [y]. Conſequently, it was not indifferently the next male-heir which was to ſucceed, but the next deſcended from father to ſon from Hugh Capet.

It is a ſtrange thing, that among ſo many authors who have writ of this famous conteſt, not one, at leaſt that I know of



except father Daniel, rightly underſtood the ſtate of the queſtion between the two kings. They have all amuſed themſelves with combating chimæras, and making the parties alledge arguments nothing at all to the purpoſe, and ſometimes even contrary to their real intereſts. Some make Philip urge very ſtrong reaſons againſt the right of repreſentation, which it is certain Edward never meant to uſe. Others alledge for Edward the moſt plauſible arguments againſt the Salic Law, though it was evidently his intereſt to ſupport it. And therefore I am apt to believe, the harangue Paulus Æmilius puts into the mouth of Robert d'Artois, in defence of Philip's right, is a mere invention of the hiſtorian; ſince the orator doth not confine himſelf to the true caſe, though in all appearance, Robert d'Artois was not ignorant of the ſtate of the controverſy. Paſquier, though a great civilian, and well verſed in the hiſtory of France, and in ſhort, all the writers, as well Engliſh as French, are guilty of the ſame error. As for father Daniel, after truly ſtating the caſe, and briefly relating the reaſons of Philip de Valois, without giving his own opinion, he makes Edward's pretenſions to be conſidered, in the courſe of his hiſtory, as chimerical [z].

This caſe was never decided as to the crown, but only with regard to the regency. It cannot be denied, that in the ſentence Philip had a great advantage, for the judges were all his relations and friends, and the perſon who diſputed the regency with him, a minor and foreigner. Philip took for

[z] It is certain, that Rapin in aſſerting, that all the French and Engliſh authors underſtood not the ſtate of the queſtion between the two kings, was miſtaken. For of the French, Vertot, in his diſſertation on the Salic Law, (which Rapin, it is plain, never ſaw) ſtates the caſe exactly as he does. So do likewiſe Bodin, Du Haillan, Mezerai, and Le Gendre. So alſo the famous Puffendorff; and of our hiſtorians, Martin, Tyrrel, &c. It muſt indeed be owned, that ſome, after truly ſtating the caſe, in other places alledge arguments againſt the Salic Law, which ſurely deſtroy Edward's pretenſions. Thus father Daniel is a famous inſtance. For after he had already ſaid, "that the Salic Law was allowed on "both ſides, namely, that the daughters could not ſucceed to the crown, "and therefore the queen of England, "though the late king's ſiſter, could "not pretend to it? But the Engliſh "lawyers maintained, the next perſon "where this defect of ſex was not "found, ought by nearneſs of blood, "to ſucceed, and upon this title Ed"ward founded his pretenſions." I ſay, after thus truly ſtating the caſe, he ſays, in his Diſſertation on the Antiquity and author of the Salic Law, "If "the Engliſh had not been perſuaded "of the antiquity of this law, they "would not have failed to attack, more "ſtrongly than they did, this funda"mental principle of Philip's right." What! ſhould they attack a law allowed by Edward as well as Philip? A law, without which neither of them would have had any pretenſions to the crown? It is in this inconſiſtent manner that many, both French and Engliſh hiſtorians, talk upon this ſubject. See theſe things more largely diſcuſſed in Rival's Examination of L'Abbe de Vertot's Diſſertation on the Origin of the Salic Laws.

granted

granted afterwards, in imitation of Philip le Long, that the ſame ſentence which adjudged him the regency, gave him a right to be crowned, and by that the queſtion was really decided. He was ſo prejudiced in favour of his own right, that he commanded the hands and feet of a burgher of Compiegne to be cut off, for maintaining that Edward's title was better than his. One cannot ſay what the iſſue would have been, if the deciſion of the affair had been referred to the ſtates of the realm, as it was the opinion of ſeveral who believed that to be the only means of ſolidly eſtabliſhing Philip's right. All that can be affirmed is, that the eſtabliſhment of the Salic Law in favour of Philip le Long, and its confirmation by the advancement of Charles the Fair to the throne, could not have prejudiced Edward. The ſole queſtion was, either to limit the Salic Law to the perſons of the daughters, or to extend it to all their poſterity, and this is what had never before been decided.

My deſign in what I have ſaid, as well concerning the Salic Law, as the conteſt between the two kings, was, I. To rectify moſt people's notion concerning this law. II. To ſhow preciſely wherein conſiſted the diſpute between the two competitors. III. That this affair had its difficulties, and was not eaſily to be determined by law. IV. Laſtly, That the two kings had each very plauſible reaſons, and conſequently it was a juſt matter of proceſs. And this is what I could not do in the body of the hiſtory, without making too long a digreſſion. As the war occaſioned by this quarrel was very lasting, and renewed by ſeveral of Edward's ſucceſſors, I thought it would not be unacceptable to the reader, to know the origin and foundation thereof. Nay this quarrel may be ſaid not to be yet ended, ſince from the time of Edward III. the kings of England have all along borne and ſtill do bear the title of kings of France.

The End of the Third Volume.

DIRECTIONS to the Book-binder for placing the CUTS.

The Head of Henry III.	to face page	1
The Monument of Henry III.		180
The Head of Edward I.		221
The Monument of Edward I.		321
The Head of Edward II.		330
The Head of Edward III.		394
The Monument of Edward II.		402
The Head of Edward prince of Wales, ſon of Edward III.		478
The Monument of Edward prince of Wales, ſon of Edward III.		527
The Monument of Edward III.		530
A Genealogical Table of the Poſterity of Edward III. down to James I.		531

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